United Nations A/53/421

General Assembly

Distr.: General
28 September 1998
English
Original: Spanish

Fifty-third session
Agenda item 44
The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

1. This is the third report on the verification of compliance with the agreements signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), submitted pursuant to the mandate given to the United Nations Verification Mission in Guatemala (MINUGUA) by the General Assembly in resolution 51/198 B, of 27 March 1997. The General Assembly extended this mandate by its resolution 51/198 C of 31 July 1997. Subsequently, by its resolution 52/175 of 18 December 1997, the Assembly authorized the extension of the Mission's mandate until 31 December 1998 and requested me, as it had in its earlier resolutions, to keep it fully informed of the implementation of the resolution.

I. Introduction

2. The implementation of the commitments entered into by the Government and URNG is governed by the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I), which divides the period 1997 to 2000 into three phases. This report covers the period from January to July 1998, that is to say, the first seven months of the third phase, which covers the period from 1998 to 2000. As was indicated in the previous report (A/52/757), the implementation of important commitments under the second phase had to be postponed; they include the commitments concerning compensation for victims of human rights violations, reform and strengthening of the system of urban and rural development councils, establishment of an agrarian and environmental jurisdiction, reform of intelligence bodies, establishment of a career civil service and redeployment of the armed forces.

3. The Commission to Follow up the Implementation of the Peace Agreements, which is the body authorized to schedule and reschedule the commitments, is preparing a revised schedule for the remainder of 1998 and for 1999 in consultation with the State institutions and the organizations directly involved in the implementation of the Peace Agreements. This exercise includes rescheduling the commitments contained in the Timetable Agreement, scheduling those which were not set forth in that Agreement and scheduling implementation of the recommendations emanating from the Commission for the Official Recognition of Indigenous Languages, the Joint Commission on Educational Reform and the Commission on the Strengthening of the Justice System. This effort is consistent with the implementation strategy for the Agreements, which is guided, *inter alia*, by the need "to stagger implementation of the fundamental components of the Agreements, thereby seeking to avoid dissipating governmental and non-

98-27867 (E) 151098 151098

governmental implementation efforts" and "to set timetables for those actions that depend on the consensus-building mechanisms provided for in the Agreements, taking into account their outcome (see A/51/796-S/1997/114, para. 3). In this context, attention is drawn to the effort made by the commissions responsible for the resettlement of uprooted population groups and for the integration of URNG and by the working group of the Coordinating Office of Organizations of the Maya People of Guatemala (COPMAGUA) and the Peace Secretariat (SEPAZ) to reach a consensus on rescheduling for the Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex).

4. In accordance with the functions accorded by the Peace Agreements to international verification, this report not only presents the results of the verification conducted by MINUGUA but also contains recommendations for avoiding or rectifying any instance of non-compliance.

II. Verification of compliance with the commitments assumed in the Peace Agreements

A. Comprehensive Agreement on Human Rights

5. The Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex), established the commitment to strengthen the Office of the Counsel for Human Rights, the institution constitutionally entrusted with ensuring the effective enjoyment of those rights. Although human rights violations have decreased, there is still a need for a national institution to monitor the performance of the administration and to promote new relations between the State and citizens. In its eighth report on human rights, MINUGUA indicated that one of the main obstacles to the strengthening of the institution had to do with the limitations on its sustainability and on the broadening of the scope of its activities, owing to the inadequate budgetary allocations for 1998 (A/52/757, para. 6 and A/52/946, para. 62). Some projects designed to improve investigative capacity have been funded through international assistance, but that will be possible, in future, only to the extent that there is adequate counterpart funding for the Office's regular budget to ensure its sustainability. In the face of that situation, the executive and legislative branches are urged to endorse the Counsel's budget proposal for 1999.

6. For its part, MINUGUA initiated a pilot joint verification programme with several of its regional offices and the sub-offices of the Office of the Counsel, the aim being to pass on the experience acquired by the Mission in the area of human rights verification to the staff of that Office.

7. The Agreement also affirms the need for a programme of compensation and/or assistance to victims of human rights violations which, together with the work of the Clarification Commission, should help to heal the wounds caused by the armed conflict and to promote national reconciliation. Since this commitment was not implemented in the previous phase of the Timetable, the previous report recommended that it should be rescheduled so as to be able to take into account the Clarification Commission's recommendations on compensation (see A/52/757, para. 5). However, the postponement of the publication of the Commission's report has prompted fears that the launching of a programme of assistance to victims may be delayed until after 1999 (see para. 16). The issue of compensation has awakened legitimate expectations on the part of the population and it is of the utmost importance that the bases for the programme be established while the present Government is in power. For that reason, it is recommended that projects be initiated right away, without waiting for the outcome of ongoing discussions on the details of the compensation, to assist the villages and areas which were most directly hurt by the armed conflict and for which such assistance would be not only moral compensation for the very great suffering endured but also a much-needed socio-economic contribution.

B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Refugees

8. This Agreement (A/48/954-S/1994/751, annex I) contains the commitment to speed up the return of the refugees in Mexico. An agreement to that effect was signed in September 1997 (see A/52/757, para. 7). In January 1998, the return of 15 groups of refugees was scheduled for the period from January to June; subsequently, the number was adjusted to no more than 12 groups to be resettled on an equal number of properties. To date, seven groups have been resettled – one of them partly – making a total of 1,320 people belonging to 346 families. The return process is moving slowly, due, *inter alia*, to difficulties in negotiations over properties, the presence of intermediaries who distort

the price, over-valuation by the owners, the Government's determination to negotiate lower prices and the lack of alternatives for acquiring other land. Another factor to be taken into account is that there have been significantly fewer returnees than the representatives of returnee organizations had expected.

9. On 30 June 1998, the deadline for the granting of credit from a revolving fund – one of the most important elements of the credit regulations in the agreement for the return of refugees signed on 8 October 1992 – expired. This means that as from July, resettlement will have to be funded from the Land Trust Fund, within the framework of the agreement between that Fund and the Technical Commission for the Implementation of the Resettlement Agreement (CTEAR), which provides a smaller benefit. It is important that the Fund's policy should take into account the special status that the Agreements give to the uprooted population because of their particular vulnerability. It is encouraging that the bill concerning the Land Trust Fund, which was drafted by the Joint Commission on Land Rights and reviewed by the Follow-up Commission, stipulates that, during the next 10 years, priority will be given to the uprooted population, with particular emphasis on families headed by a widow or a single mother.

Internally displaced persons

10. With regard to the resettlement of internally displaced persons organized into communities, the first transfer of the Comunidades de Población en Resistencia (CPR) de la Sierra went to the Tesoro estate and the second resettlement took place on the southern coast. More than half these communities are still awaiting transfer. The resettlement of the Petén CPR on a property in the same department will begin in August 1998. As regards the Ixcán CPR, the population has yet to come up with a property that satisfies the requirements of the Land Trust Fund. In the cases of the Petén and la Sierra CPRs, MINUGUA has verified that there are basic infrastructure problems, such as a lack of drinking water, sanitation and emergency food supplies. In this connection, attention is drawn to the importance of speeding up the provision of infrastructure and minimum services so as to ensure that uprooted population groups are resettled in conditions of dignity and sustainability.

11. For their part, internally displaced persons settled in rural areas submitted 10 requests for credit to the Land Trust Fund and a commission was established to conduct the negotiations. As for those settled in urban areas, there is now a possibility of negotiating directly with the Guatemalan Housing Fund, which has not, as yet, taken into consideration the fact that the Peace Agreements accorded this population special status.

12. Although the productive integration of the uprooted population cannot be dissociated from the implementation of a comprehensive rural development strategy, the Mission reiterates that there is an urgent need for concrete, specific measures to alleviate the situation of uprooted population groups (see A/52/757, para. 12). Two examples of such measures are the signing of a resettlement, reintegration and basic infrastructure project for uprooted population groups financed by the Governments of Denmark, Japan and Sweden and a project for such groups administered by the United Nations Development Programme (UNDP), approved by CTEAR and implemented by the National Peace Fund. Attention is also drawn to the signing of a framework agreement on joint cooperation and technical assistance in the negotiation of credits for the purchase of land and production for population groups uprooted by the armed conflict, which is being financed by the Trust Fund.

13. Notwithstanding the above, it is disquieting that, at the time of drafting this report only two forestry and agro-forestry development projects were being implemented by CTEAR in five communities, in addition to eight which the European Union was carrying out on its own. It is important that CTEAR should foster conditions for the approval and financing of other projects and that it should identify all areas of the country containing resettlement areas, where development activities would also benefit uprooted population groups. Government representatives on CTEAR have, for their part, suggested that productive integration should be carried out by means of micro-regional processes, a long-term plan not envisaged in the Agreement.

14. The commitment to certifying the educational qualifications of the uprooted population and educational outreach workers was rescheduled for the second quarter of 1998. CTEAR conducted studies on the basis of the plan prepared by the subcommission on education with the support of the United Nations Educational, Scientific and Cultural Organization. This plan calls for the preparation of projects elaborated and endorsed by the subcommission. However, there is as yet no funding for its implementation, and funding will therefore have to be sought from international cooperation agencies and the Follow-up Commission will have to work out a new schedule.

15. With regard to personal documentation for the uprooted population, the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict, which entered into force in October 1997, facilitates the registration of births, marriages and deaths for members of

uprooted population groups and demobilized members of URNG and requires the Ministry of the Interior to prepare regulations for its implementation. Such regulations have yet to be prepared and some registrars are therefore refusing to comply with the Act. The Office of the United Nations High Commissioner for Refugees (UNHCR) and MINUGUA have endeavoured to train registrars and to prepare guidelines. At the same time, the documentation campaign being conducted by UNHCR, CTEAR, MINUGUA and other organizations is still going on in 21 municipalities. In February 1998, the European Union launched a campaign with similar objectives, namely, to support registration activities and facilitate personal documentation. The regulations must be issued as a matter of urgency and the Government must make a special effort to provide personal documentation for these population groups, and indeed for all people lacking such documentation, before the forthcoming elections.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer

16. On 31 July 1998, the Clarification Commission concluded its substantive activities (see A/48/954-S/1994/751, annex II). Because a large number of people were interested in giving information, the Commission kept its field offices open to receive testimony from individuals until 15 April and succeeded in collecting some 8,000 statements. Between April and July, from its main headquarters in the capital city, it pursued its investigation in greater depth, processing and analysing the information it had collected. Given the time needed to draft, translate and produce the final report, it has set January 1999 as the date for the delivery of its report, and the Follow-up Commission has agreed.

17. The financial contributions received by the Commission have been sufficient to enable it to carry out its work. As of 31 July 1998, the Commission had received contributions from the Governments of Austria, Belgium, Canada, Denmark, Germany, Guatemala, Italy, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America and also from the Soros and Ford Foundations.

D. Agreement on Identity and Rights of Indigenous Peoples

18. In the Timetable Agreement, priority was given to the establishment of joint commissions, composed of representatives of the Government and representatives of indigenous organizations, and other specific commissions charged with preparing substantive reforms in such areas as education, official recognition of languages, preservation of holy places and the land issue, as outlined in the Agreement (see A/49/882-S/1995/256, annex). The work of these commissions has begun to bear fruit, with the submission, in recent months, of the initial report of the Joint Commission on Land Rights and the final reports of the Commission for the Official Recognition of Indigenous Languages and the Commission on Educational Reform.

Commission for the Official Recognition of Indigenous Languages

19. The proposal submitted by the Commission on 23 March 1998 seeks to reconcile the great diversity of indigenous languages in use in Guatemala with the traditional limitations of public administration. The strategy devised proposes a gradual, differentiated approach to official recognition, combining: (a) a process of linguistic standardization and rescue of at-risk languages; (b) a process of encouraging bilingualism and multilingualism for all citizens, particularly public servants; and (c) prioritization of bilingual public services (if necessary by providing interpreters), in key areas such as education, health, justice, elections, the media and municipal services.

20. On the language issue, it is worth drawing attention to the efforts made by SEPAZ to draw up a list of bilingual professionals, and the decision of the Public Prosecutor's Office and the judiciary to start appointing court interpreters for oral proceedings in criminal cases. In addition, there is a cross-institutional commitment, involving the Public Prosecutor's Office, the judiciary, the Public Defender's Office, Rafael Landívar University, the Academy of Mayan Languages, COPMAGUA and the Decenio Maya organization, as well as the MINUGUA justice and multiculturalism project, to promote the establishment of a public interpreters service. Lastly, attention should be drawn to the Maya education project (EDUMAYA) of Rafael Landívar University, which provides scholarships for indigenous students, intercultural and bilingual education and legal translators and is financed by the United States Agency for International Development (USAID) and endorsed by the Ministry of Education.

21. These efforts notwithstanding, it is important that all the executing agencies identified by the Official Recognition Commission should have a say in the preparation of any plan which is designed for the purpose of implementing the official recognition strategy. It is vital that the great effort being made within these commissions to redefine public policies on the basis of multiculturalism should be taken fully into account and should constitute a frame of reference for the initiatives being undertaken in this area. This frame of reference is important also for the efforts of international cooperation for, if the latter's efforts are too dispersed, this will create difficulties for national organizations and institutions.

Joint Commission on Educational Reform

22. On 20 July 1998, the Commission completed its work and submitted its proposal. Members succeeded in overcoming their differences and in formulating a proposal for an education system which would be a vehicle for transforming Guatemalan society, and the Guatemalan State, into one of "unity within diversity". The policies and strategies outlined in the proposed reform include: (a) decentralization and social and ethnic participation; (b) increased investment in education to promote efficiency and academic excellence; (c) organization of educational services based on linguistic and cultural situations and needs; and (d) strengthening of comprehensive training for democracy, the culture of peace and sustainable development. Pursuant to the Peace Agreements, the proposal was transmitted to the Advisory Commission on Educational Reform, made up of representatives of the Ministry of Education and of the social organizations involved in the educational process, which will see to its implementation.

Joint Commission on Rights relating to Indigenous Peoples' Land

23. Given the breadth and complexity of this issue, the Commission's mandate is renewable annually and the Commission is required to issue progress reports. On 15 July, it issued its preliminary bill on the Land Trust Fund, which was reviewed by the Follow-up Commission. The preliminary bill establishes procedures to facilitate access to land ownership for peasants who do not own any land or sufficient land and to promote rural development. The Commission is continuing with its agenda, which includes consideration of the preliminary bill on the land registry and land survey.

Commission on Holy Places

24. The Commission is having difficulty completing its work. The Agreements establish the principle that temples and ceremonial centres of archaeological value are part of the national heritage and call for a structuring of State entities responsible for their administration in order to ensure the participation of indigenous organizations, whereas the indigenous representatives on the Commission consider that such places should be administered exclusively by indigenous people and propose that an autonomous agency be set up for that purpose. This difference poses a question of substance that is at the heart of many of the discussions on the issue of multiculturalism, namely, to what extent does respect for and promotion of the rights of indigenous people entail the creation of purely indigenous organizations, or the inclusion of an equitable number of indigenous representatives in existing organizations so as to make them multicultural? It is not easy to solve this dilemma, and still less so when one is dealing with matters as deeply linked with cultural and spiritual identity as holy places and ceremonial centres. This Commission has the difficult mandate of guiding the consultations between indigenous organizations and the State through a very sensitive area, where mistrust can easily gain a footing. Its members should therefore be encouraged and supported in their attempt to overcome these difficulties.

Joint Commission on Reform and Participation

25. This Commission, whose mandate is to take a comprehensive look at the issue of the multicultural State and the reforms that this involves, has encountered problems in initiating a fruitful negotiation process. It took six months to establish its rules of procedure and, in May, in view of its failure to make any progress, COPMAGUA asked it to suspend its work in order to conduct an evaluation. At the end of the period covered by this report, the Commission again took up its work. Despite the complexity of other matters before it, this body must make progress on substantive issues such as reform of the Municipal Code and of the Urban and Rural Development Council Act, where its contribution is both necessary and urgent. In addition to the constitutional reforms and the consultations taking place in the joint commissions, the presence of more indigenous people in government service will be crucial for further transforming the relationship between the State and society and for giving credibility to efforts to achieve a multi-ethnic, multicultural and multilingual State. Accordingly, it would be a very positive step for the Government to take action, before the Commission completes its work, to promote

greater access by indigenous people to government service, as provided for in the Agreement.

Other aspects of the Agreement on Identity and Rights of Indigenous Peoples

26. As for the implementation of the Agreement as a whole, SEPAZ and COPMAGUA have created a significant window of opportunity for dialogue with the participation of MINUGUA. Topics such as the preparation of a document that would identify and prioritize unscheduled commitments, to be presented to the Follow-up Commission, are being discussed. The need to establish a permanent body to follow up the implementation of long-term commitments was also identified. The positive experience of the dialogue between the Government and COPMAGUA confirms the need to increase the opportunities for dialogue between the State and indigenous peoples. These dialogues are crucial to overcoming mistrust and to creating a shared vision of Guatemala's future.

27. The COPMAGUA Permanent National Commission on Indigenous Women's Rights continued its consultations with national institutions on the establishment of the Office for the Defence of Indigenous Women's Rights. The failure to reach the consensus needed to define and set up this important body has hampered the fulfilment of this commitment. The Office of the Counsel for Human Rights, the Office of the United Nations High Commissioner for Human Rights and the Maya Foundation have elaborated a project to include the Office for the Defence of Indigenous Women's Rights within the Office of the Counsel for Human Rights. Consultations are now being held with indigenous organizations to incorporate their proposals into this project.

28. In its previous report, the Mission noted the difficulties encountered in gaining access to radio frequencies for indigenous cultural projects, as provided for in the Agreement, through the public auction mechanism established by the General Telecommunications Act (Decree No. 94-96). The talks held between the Office of the Superintendent of Communications, SEPAZ and COPMAGUA showed that the commitment to grant radio frequencies to indigenous cultural projects cannot, in fact, be fulfilled unless the Government acquires these frequencies or the Decree is amended. This illustrates the difficulty of making the market mechanism that governs the assignment of frequencies compatible with effective protection and promotion of indigenous cultures. The fact that public auctions are still being held makes it urgent to take the necessary steps to correct this situation and meet the aforementioned commitment (see A/53/757, para. 21).

E. Agreement on Social and Economic Aspects and the Agrarian Situation

Macroeconomic situation

29. Guatemala's economic and financial performance in 1997 was better than that of 1996; real production of goods and services increased by 4.3 per cent, a figure slightly higher than the 4.2 per cent provided for in the Peace Agreements; inflation stood at 7.1 per cent and the external sector's position improved. This favourable trend continued in the first half of 1998, and the economic authorities hope to reach the projected 1998 targets of between 4.5 and 5 per cent for growth and between 6 and 8 per cent for inflation.

30. These economic results facilitate compliance with the letter and spirit of the Peace Agreements and the implementation of distributive policies that favour greater social equity. In this context, fiscal policy and, in particular, public investment policy have become especially important, since they constitute one of the main tools for promoting a fairer distribution of the benefits of economic growth and making development and democratization efforts sustainable in the medium and long term. Three basic requirements for reaching these objectives are: (a) consolidation of domestic resource mobilization; (b) acceleration of State modernization; and (c) lowering of the levels of under-execution, a factor which is associated with the lack of staff trained in project management, the delay in disbursements and the persistence of centralist, bureaucratic practices.

31. An increase in public investment is not only possible but necessary. It will be recalled that Guatemala has in the past registered positive economic growth rates, without this having brought about either a substantive improvement in social and economic conditions or adequate institution-building. It is to correct this distortion that the Agreement provides that "in the quest for growth, economic policy should be aimed at preventing processes of socio-economic exclusion, such as unemployment and impoverishment, and maximizing the benefits of economic growth for all Guatemalans" (A/50/956, annex, para. 14).

Fiscal policy

32. The taxation target was met in 1997, with a net tax burden of 8.8 per cent. (In accordance with the norms established by United Nations agencies specializing in this area, the Mission presents the fiscal results in net terms.) During the period under review, tax receipts showed a slightly better performance than had been forecast by the Ministry of Finance, and this trend is expected to continue for the rest of the year. These results, however, will be

insufficient to meet the intermediate indicative tax burden target of 10.4 per cent set for 1998. According to projections by the Mission and international financial agencies, the net tax burden by the end of the year will be below 9.5 per cent.

33. A further concern is the decline in tax revenues forecast for 1999, owing to the repeal of the Act on a Single Property Tax, tariff reductions, the ending of the commercial and agricultural enterprise tax, which is expected to occur in mid-1999, and the planned cut in income tax rates. This drop in revenues may be worsened by the amendments to the laws on free zones, value-added tax and income tax adopted in 1997 and 1998, which together have eroded the tax base. Unless additional fiscal steps are taken, the tax burden will drop significantly beginning in 1999, and will be around 9 per cent – much lower than the 12 per cent set in the Agreements – by the year 2000.

34. This situation illustrates the great difficulties being faced in mobilizing domestic public resources. There is a fairly broad national and international consensus that the fiscal measures taken will not ensure the sustainability of the process of domestic resource mobilization in the medium term, nor will they make it possible to correct the expansion-contraction cycle of fiscal revenues historically seen in Guatemala.

35. Aware of the importance of fiscal policy, the Government and the Follow-up Commission agreed in May 1998 to include it as one of the Government's priority objectives. However, the results to date are not convincing. According to a document recently issued by the Ministry of Finance, the Government hopes to reach the taxation target of 12 per cent by 2002, by passing a new single property tax act, extending the commercial and agricultural enterprise tax and operating the Tax Administration Superintendency. Evaluations have shown that this proposal is insufficient to meet the taxation target within the scheduled time period and to prevent a temporary drop in tax receipts.

36. The formulation and implementation of a practical, realistic and technically consistent fiscal proposal is an essential precondition if the Follow-up Commission is to take a decision on the Government's request to reschedule compliance with the taxation target to the year 2002. The flexibility shown by URNG in the face of the political and institutional problems raised by the tax issue is a positive development. This goodwill is another reason for the authorities to spare no effort in mobilizing more financial resources to respond fully to the interests of the population as a whole. Another positive development is the attitude of the Follow-up Commission, which made its contribution to the quest for technically consistent and politically feasible formulas for complying with the taxation commitments. The Government is urged to implement a fiscal proposal which includes concrete tax and non-tax measures to make it possible to meet the taxation target at least by 2002. Otherwise, it will have seriously failed to comply with the Peace Agreements and to take advantage of this historic opportunity to correct a profound distortion in Guatemala's socio-economic policy.

37. As for expenditure, in 1997 and the first half of 1998 progress was made in the amount of social spending and in its geographical distribution. As a result, there was an increase in the coverage of basic social services and an improvement in regional and local economic and social infrastructure. The rise in social spending has encouraged public investment, which increased in 1997 to a level equivalent to 4 per cent of gross domestic product (GDP), which in turn had a positive multiplier effect on other economic activities and on total employment. Again, an increase in tax revenues will be required in order to sustain this positive development.

State reform and social participation

38. In the period under review, progress has been made on modernizing the State. The process of deconcentration and decentralization of government services, especially in the education and health sectors, has been intensified; the institutional restructuring of some ministries has continued; and notable progress has been made in modernizing government management through the introduction of the Integrated Financial Administration and Monitoring System. These advances have led to better implementation of government policies, particularly social policy, a more rational use of public resources and a strengthening of anti-corruption mechanisms.

39. Meanwhile, there has been a real increase in the participation of the general public and organized civil society in implementing social policies, in particular in the fields of education, health and rural development. With national resources and the help of international cooperation agencies, progress has also been made in strengthening the development councils and the municipal and departmental technical units, thereby improving the response capacity of these bodies. At the same time, it should be noted that, after a prolonged deadlock, a consensus was recently reached between the National Association of Municipalities and the Institute for Municipal Development on promoting the national municipal training programme provided for in the Peace Agreements.

40. Despite these efforts, a significant weakness persists in the State's institutional framework with regard to the functions assigned to it by the Peace Agreements in the socio-economic and agricultural spheres. Moreover, the State still maintains only a limited presence at the regional level, and the problems of under-execution of public investment persist. This situation, compounded by the fact that the decentralization and deconcentration process is still in the early stages and is unevenly applied in the various regions of the country, limits effective public participation in the definition and implementation of government policies and in the promotion of more efficient use of State resources. Accordingly, the Government is urged to intensify its efforts to modernize the State, increase its presence throughout the national territory, especially in the most isolated and poorest regions, and endeavour to strengthen the State, both institutionally and financially. Moreover, in order to raise the quality of public sector human resources, a new civil service act needs to be adopted and enforced, pursuant to the Peace Agreements. Finally, to improve the information, follow-up and evaluation systems relating to public investment policy, all social funds should be included in the Integrated Financial Administration and Monitoring System.

41. The development councils should move forward from the phase of participation in the definition and implementation of isolated projects to a phase in which citizens' participation in the formulation of public policies, development plans and territorial management is strengthened. To do this, authority must be devolved to other government levels in order to coordinate national development.

42. To achieve these objectives, the reform of the legal framework must be completed. This will make it possible to define clearly the powers and duties of the public administration and the development activities to be carried out at the different levels and in the various parts of the country. This would also promote social participation in the context of municipal autonomy and strengthen the devolution of authority to municipal governments, as set out in the Agreements. Two legislative reform proposals to achieve these ends are currently being formulated: one amending the Municipal Code and the other amending the Development Councils Act. Unfortunately, operational problems in the Joint Commission on Reform and Participation delayed the input of indigenous organizations to this effort. All the actors concerned are urged to make an exceptional effort to enable the Congress to adopt these instruments in 1998.

43. To strengthen social participation, it is also deemed useful to: (a) promote the full integration of the social actors covered under current law into the departmental development councils, according to established procedures; (b) review the mechanism for appointing the managers of departmental development councils to ensure that it is consistent with the provisions of the Agreements concerning the future appointment of the governor; (c) continue to set up and reinforce the municipal technical units; (d) provide funding for the national municipal training programme and for training projects sponsored by social organizations to increase their level of participation and technical capacity; and (e) allocate more funds for the operation of the development councils.

44. An important tool for building consensus on development policy, established by the Constitution of Guatemala, is the National Urban and Rural Development Council. Although the law that will govern the council system is still under discussion, it is suggested that the convening of the National Council might provide an excellent opportunity for multisectoral study and consensus on many of the country's social and economic problems.

Participation of women

45. Under the Peace Agreements, the women's issue is recognized as one for priority attention in the Government's anti-poverty policy, since women suffer from the highest rates of poverty, exclusion and discrimination at all levels. Meanwhile, the measures introduced by ministries and State bodies are being implemented through dispersed plans and programmes, a practice which limits their sustainability and their impact on efforts to reduce inequity. To remedy this situation, the Social Welfare Secretariat in the Office of the First Lady, in coordination with the National Office for Women's Affairs and a consultative committee made up of women's organizations, has prepared the National Policy for the Promotion and Development of Guatemalan Women and the Equal Opportunities Plan, 1997–2001, which is a global strategy proposal with national coverage. This proposal was referred to the Planning Secretariat to be converted into specific measures and then approved by the Government. It is an innovative, positive effort to comply with the commitments of the Peace Agreements with regard to women, and its implementation will be closely monitored by the Mission.

46. The progress made by the Women's Forum has helped it to become an intercultural forum for Guatemalan women; its objective is to influence public policies on comprehensive development and to monitor compliance with the commitments of the Peace Agreements. This body, in which both organized civil society and the Government participate,

represents a step forward in improving the status and position of Guatemalan women.

47. Consequently, it is deemed necessary to establish a linkage between the Women's Forum and the implementation of the National Policy for the Promotion and Development of Guatemalan Women and the Equal Opportunities Plan, 1997–2001, two initiatives that have developed independently up to now. It is also important to institutionalize the advances already achieved. To support these efforts, international cooperation must be better coordinated.

Agrarian situation and rural development

48. As noted above, one of the most original features of the Peace Agreements is the idea that the effort to combat social and economic exclusion is an integral part of the consolidation of a lasting peace. According to this view, rural development is a key factor. The formulation and full application of a comprehensive rural development policy is necessary in order to: (a) define and implement the various government policies; (b) formulate and execute programmes and projects sponsored by the international community; and (c) promote more investment by the private sector so as to increase the quantity and quality of rural jobs. This policy is essential to the appropriate transformation of the agricultural sector, which should in turn be compatible with a rural anti-poverty strategy. The Agreements provide for a comprehensive strategy which will strengthen all actors involved in the Guatemalan agricultural sector, improve access to land, credit and other productive opportunities, develop material, technological and financial infrastructure, formulate and implement a new legal framework and provide labour and environmental protection.

49. On the basis of the finding that previous rural policies had ceased to be effective, the Ministry of Agriculture introduced a transition process which covers the redefinition of rural development policy and of the State institutional framework in the agricultural sector, including the role of the Ministry itself. The Mission places a high value on the efforts made to include in this new rural policy such aspects as: (a) increasing participation in the formulation of rural policies through the expanded National Agricultural Development Council and the formation of sustainable development agent networks (RADEAS) at the departmental level; (b) working together with peasant and indigenous organizations to draft bills which respond to the mandate of the Peace Agreements, such as the Land Trust Fund bill and the land survey and registry bill; and (c) the Ministry's willingness to discuss incorporating into its policy the fundamental philosophy and strategies of the Peace Agreements.

50. Although the Mission commends the process of rural policy reformulation, it should be pointed out that, because of the restructuring of the Ministry of Agriculture, there has been a drastic decline in the institutional presence of the Ministry in some regions. This is creating a dangerous institutional vacuum, since the new bodies are still weak and in some places do not even exist, and has caused a disturbing decline in the services provided to farmers.

51. Previous reports noted the setting up of the Institutional Commission for the Development and Strengthening of Land Ownership, which coordinates the institutions directly involved in agricultural issues. However, it should be mentioned that the Ministry's power to design and implement a rural development strategy that will mobilize all institutions in this sector is not clearly defined and that the national resources allocated to production initiatives in rural areas are inadequate. Participation mechanisms are being applied at the regional level, but they tend to adopt a development approach which is based on the funding of specific projects, and RADEAS see themselves more as fund managers than as part of a participatory process of development planning.

52. Non-governmental organizations have increased their participation. The Second National Peasant Congress, organized by the National Coordinating Office of Peasant Organizations, was held recently, bringing together over 400 representatives from nearly 70 organizations throughout the country. The resolutions of the Congress reflect the spirit of the Peace Agreements and promote their application. The convergence of agendas between the Ministry and peasant organizations concerning the implementation of the rural development strategy advocated by the Peace Agreements is an encouraging development which deserves support. Mention should also be made of the launching of a permanent forum for dialogue between the Coordinating Office and the Chamber of Agriculture, with a view to overcoming land disputes within a consultative framework.

53. To consolidate the progress made in implementing the Agreements in the rural and agricultural spheres and to ensure that peasants have access to land, credit and other productive resources, as well as to formulate and implement a substantive policy of agricultural and non-agricultural employment and income generation in rural areas, the following action is recommended: (a) move ahead with the formulation and implementation, by the State as a whole, of a comprehensive rural development policy consisting of specific actions targeted at the impoverished peasant

population and defining institutional spheres of competence and the responsibilities of the lead agency; (b) strengthen the participation of the various social actors in the organs set up to manage the sector; (c) adopt the Land Trust Fund bill as soon as possible, providing the Fund with sufficient financial resources to enable it to give the greatest possible number of poor peasants access to land and to perform its functions of regularizing land ownership and awarding land title; (d) draft the land registry and agrarian and environmental jurisdiction bills as quickly as possible, on a consensus basis; (e) assign adequate funds from the national budget to the Presidential Unit for Legal Assistance and Dispute Settlement in Land Matters; (f) ensure that RADEAS are linked in with the system of development councils; (g) involve the international community in efforts to combat rural poverty; and (h) speed up the formulation and implementation of the package of natural resource conservation policies and measures and assign it sufficient financial resources.

Social development

54. Generally speaking, 1998 has seen an improvement in some aspects of the implementation of Government policies in the social sphere, as a result of the allocation of increased resources, progress in the decentralization process, devolution and participation in public management and the institutional restructuring of the social ministries.

55. In education, the National Programme for Educational Self-Management (PRONADE) managed to increase primary education coverage and attained 60 per cent of the target set for the year 2000 in the Peace Agreements. To do so, it funded educational activities in areas not covered by education services and also created participation forums, such as the parents' committees provided for in the Peace Agreements. However, the PRONADE programme contains little in the way of bilingual and intercultural education, even though it mainly covers areas with a rural indigenous population. The Department of Bilingual Education (DIGEBI) functions in parallel with PRONADE but covers only 15 per cent of the country's schools, of which barely 5 per cent offer a full cycle of primary or secondary education. The Mission believes that this programme should be given higher priority, in that it receives little funding from the national budget, has few bilingual teachers and its implementation is largely dependent on international aid. The civic education programme for the 1998 school year has been delayed because the funds allocated from the national budget are inadequate. In the area of adult education, the work of the National Literacy Commission (CONALFA) has been noteworthy, but it still falls short of the annual targets set in the Peace Agreements because the Commission's budget is inadequate. In 1997, the amount of money actually spent in the education sector was below the target set in the Peace Agreements, even though the budget for the sector had been significantly increased.

56. In view of the foregoing, the Mission makes the following recommendations: (a) speed up the modernization of the Ministry of Education with a view to decentralizing its services; (b) expand the coverage and funding of PRONADE and add a bilingual and intercultural component; (c) give more decisive support to DIGEBI; (d) give priority to and speed up the implementation of the civic education programme; and (e) increase funding for CONALFA. In addition, it acknowledges the high quality of the educational reform document produced by the Joint Commission on Educational Reform and recommends that it begin to be implemented as soon as possible.

57. Ministry of Health policy for increasing health care coverage focused on implementing the Integrated Health Care System (SIAS). In general, the system was well received and by June 1998 covered some 1.5 million people. However, the Ministry's demand that non-governmental organizations provide all primary health care services and that they report to it on their activities made some of these organizations reluctant to take part in the system, especially in areas where the population is scattered and isolated. The areas with the lowest SIAS coverage are thus precisely those areas where health care has traditionally been most lacking, such as the northern part of the departments of Huehuetenango and El Quiché. Although SIAS is being implemented in a way which involves the community and its political and social leaders, after decades of exclusion, it is important to mention that the efficacy of the system depends on proper coordination with the second level of care, the health centres, which is not yet fully in place to handle SIAS referrals.

58. There is serious concern at the inadequate level of vaccination coverage, which has resulted in outbreaks such as the whooping cough outbreaks in several traditionally isolated areas of the country. Likewise, the mounting number of people who have not been vaccinated against measles increases the risk of a possible epidemic in the future. The Programme of Access to Medicines (PROAM) is respecting the letter and spirit of the Peace Agreements as regards transparency of purchasing, quality and prices, but people's access to the Programme still needs to be increased. Accordingly, the Mission makes the following recommendations: (a) build on the progress made and expand coverage, as part of a comprehensive health policy, to be developed over the long term, in which priority will be

given to combating the factors which contribute to disease, particularly malnutrition and lack of basic sanitation; (b) speed up the welcome reduction in maternal and infant mortality and morbidity rates by making health policies comprehensive, rather than sectoral as they are at present; (c) expand SIAS coverage in the areas most affected by the armed conflict; (d) improve the referral system, especially health centres; (e) make the agreements signed with local non-governmental organizations more flexible; (f) expand the network of popular pharmacies to broaden the scope of PROAM; and (g) strengthen the system of health statistics.

59. In the housing sector, the Mission is concerned that only a small proportion of the budget assigned to housing has been spent. Although it is the policy of the Guatemalan Housing Fund (FOGUAVI) to award at least half its housing subsidies to the rural population, this has yet to be done, largely because of a lack of outreach. The main promoters of this programme are construction companies and companies which prepare lots for building, and their profit margins often put prices beyond poor people's reach. It is important to recall the commitment made by the Government in the Agreement to give priority, in State action, to the neediest sectors of society and the most deprived areas of the country.

60. With regard to the legalization of urban squatter settlements, most of which are located in the capital city and for which the social component of FOGUAVI is responsible, progress has been inadequate, partly because other bodies involved in this process are dragging their feet. In addition to the work being done by FOGUAVI, there is the *Techo y Piso* programme, funded by the National Peace Fund (FONAPAZ).

61. Given the difficulties faced by poorer people in gaining access to the FOGUAVI housing programme, it is recommended that the Fund redirect its activities towards this sector of the population, expand them and expedite the launching of a special component whereby families who cannot raise the 4,000 quetzals (US$ 635) needed to qualify for a State subsidy can earn sweat equity through mutual aid systems. It is also recommended that the current process of legalization of squatter settlements on State and municipal land be expedited.

Labour policy

62. The official policy of the Ministry of Labour and Social Security embodies several of the labour principles set forth in the Peace Agreements: creation of fairly paid jobs, reorientation of labour relations towards consultation and collective bargaining, the necessary changes in labour legislation to promote the enforcement of labour law, decentralization and expansion of labour inspection services and special attention to women's employment.

63. The efforts made to streamline dispute settlement and labour justice proceedings have been noteworthy and include the setting up of eight new labour courts and two courts of appeal, the recent amendment of the Labour Code to expedite legal proceedings and the establishment of the tripartite commission on international affairs provided for in ILO Convention No. 144. Nevertheless, these efforts have yet to succeed in conveying to workers and employers the necessity and usefulness of dialogue and consensus as tools for settling differences and disputes. The Mission believes that this is due, *inter alia*, to the difficulties facing the genuine exercise and protection of the right to organize, especially for workers who are in the process of unionizing. Since the beginning of the year, MINUGUA has received numerous complaints on this score, especially from agricultural workers. In some cases, even when there has been a court order to reinstate workers, the latter have not been adequately protected. The situation of workers in Guatemala is doubly precarious: not only is there profound economic inequality, but trade unions were one of the sectors most seriously hit by the armed conflict. This makes it particularly necessary to strengthen the State, and the Ministry of Labour in particular, so that they can fulfil their constitutional mandate of protecting labour rights.

64. The purpose of decentralizing the Ministry of Labour is to provide regional offices with more human and material resources. These offices will be able to provide not only labour inspection services but also labour relations and social security programmes and a public employment service. In establishing the School for Labour Mediation and Conciliation, the Ministry demonstrated its interest in training its staff in such matters. However, at least three factors are preventing the effective implementation of the decentralization process: (a) a lack of human and material resources, including office equipment, means of transport, staff in general and qualified staff in particular; (b) excessive centralism in decision-making and in the management and administration of financial and material resources; and (c) lack of progress in amending labour legislation to increase the Ministry's power to impose penalties.

65. If the decentralization process is to continue, its budget will have to be increased substantially and it will have to be implemented efficiently. Oversight functions must be redefined within the framework of plans with predetermined goals which seek to give priority to assisting the most vulnerable groups of workers, such as women, children and agricultural workers. With regard to agricultural workers,

special attention must be given to payment of the minimum wage, the exercise of their collective rights and their working conditions in general. Official inspections, educational work and the involvement of workers and employers in ensuring compliance with labour law must all play a more important role.

66. The obstacles encountered in developing collective bargaining in Guatemala demand an appropriate Government policy. The measures taken to promote complete freedom of association and to simplify the adoption of collective agreements are positive and should continue. However, a planned policy needs to be developed which includes measures to ensure respect for the right to organize and a major, properly funded, educational effort to promote the use of negotiation to settle labour disputes.

67. In the area of vocational training, progress must be made in the drafting of legislation to provide a national conceptual framework for technical and vocational training. Such legislation will have to make sure that training and retraining activities are directed and coordinated in such a way that proper attention is paid to the various social sectors which require such training in order to enter the labour market.

F. Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society

68. The main object of this Agreement (A/51/410-S/1996/853, annex) is the strengthening of civilian power, to be achieved, *inter alia*, through the expression of the public will by means of the exercise of political rights, the strengthening of the role of the legislative branch, the reform of the administration of justice and the enjoyment of public security, as a basis for the functioning of democratic institutions. In this context, the Agreement redefines the essential role of the Guatemalan armed forces as being to defend the country's national sovereignty and territorial integrity.

69. In the first seven months of 1998, some of the commitments on the justice system and public security were implemented, while others, such as those on the establishment of the Advisory Council on Security and the promotion of the law on the possession and bearing of arms and the Civic Service Act, which were rescheduled to the first quarter of 1998 by the Follow-up Commission, remain to be implemented.

Administration of justice

70. In a context of high crime rates and lack of public security, efforts to overhaul the system of justice continued. The most progress has been made in relation to the Commission on the Strengthening of the Justice System, the plan for the modernization of the judiciary and the coordinating body for the modernization of the justice sector. By contrast, the slow and uncertain process of constitutional reforms is cause for concern, since important changes in the legislation governing the country's justice system are contingent on such reforms.

71. The Commission on the Strengthening of the Justice System concluded its work in April and published a report, entitled "A new justice for peace", which takes a creditable approach to analysing the whole issue of the justice system and its institutions. The Commission's work covered such issues as access to the system of justice, law-school training for the system's operators, corruption and social violence. The report's proposals provide a comprehensive, detailed framework for discussion which should permit substantial progress in dealing with the issue, provided that they are in fact incorporated into the institutional agenda of the justice sector. Commission members have an important role to play in this regard.

72. The plan for the modernization of the judiciary, drawn up in 1997, is now being implemented. It is being funded mainly with its own resources, while credits are sought from multilateral institutions and donations from international cooperation agencies. The most visible and immediate effect of the plan's implementation is the creation of courts of the peace and higher-ranking courts in various places in the country's interior.

73. The coordinating body for the modernization of the justice sector, set up in 1997, began its activities and appointed its executive secretary. Its technical board, made up of the planning directors of the judiciary, the Public Prosecutor's Office and the Ministry of the Interior, focused its efforts on integrating the modernization plans of the three institutions and coordinating some lines of joint work for immediate implementation. The prison system is one priority area in which proposals are to be submitted for solving the serious problems identified.

74. In December 1997, the Act establishing the Public Defender's Office in Criminal Matters was adopted, but no resources were provided to ensure that the Office is functionally autonomous and independent of the three branches of government. The Act entered into force on 13 July, but the failure to provide resources for the Office has

forced the Supreme Court of Justice to take charge of funding its budget until December 1998.

75. On the whole, the reform of the justice sector is moving slowly, partly because of the constraints imposed by the existing constitutional framework and the uncertainty surrounding the constitutional reform process, and partly because of institutional resistance to change. The Mission reiterates that the coordinating body for the modernization of the justice sector has an important role to play in overcoming such resistance.

Public security

76. The lack of public security at a time when the police force is being restructured remains one of the greatest concerns of Guatemala's population. The many incidents of violence during the period under review show that there are still inadequate guarantees for the enjoyment of fundamental rights such as the right to life and illustrate the challenges facing the State's new internal security apparatus. These circumstances are causing widespread demands for a prompt, effective response on the part of the new National Civil Police (PNC), which thus far has been deployed in only five of the country's 22 departments: Guatemala City, Escuintla, El Quiché, Petén and Quetzaltenango.

77. The expectations which the PNC presence is arousing among the general public and the enthusiasm with which it has been received make it even more necessary to ensure that the police force is effectively deployed. In this connection, the Mission has observed that units which have been deployed continue to face serious material and logistical constraints which are undermining the effectiveness that is expected of the new police force and which may tarnish its positive public image. Despite the welcome increase in funding for the new force in the 1998 budget, as provided for in the Agreement, lack of modern administrative structures and inefficient administration of public resources are preventing it from being put to optimum use.

78. Another of the difficulties observed in the PNC deployment process is the ongoing training needs of police personnel in the field. These needs reveal the weaknesses, already reported by the Mission, of the training phase (see A/52/757, para. 63). This makes it advisable to amend the police training regime, especially as regards the duration of Police Academy courses, to ensure and enhance the quality of the instruction given to new police members. The poor quality of the training imparted to staff assigned to criminal investigation tasks is particular cause for concern and, combined with a lack of supplies, is a major constraint on police capacity to meet the requirements of the administration of justice. Accordingly, in order to strengthen the State's capacity and duty to investigate the most serious crimes, the specialized courses provided for in the PNC training regime must begin as soon as possible.

79. The Police Academy, for its part, continued the retraining of former members of the National Police and Treasury Guard and the training of new police recruits. By June, 6,095 National Civil Police members had graduated from the Academy. In this connection, the Mission conveyed to the Ministry of the Interior its objection to the fact that 40 former members of the armed forces, including 22 former sergeants of the Presidential General Staff, were admitted, against the rules, to the training courses that began in March and were able to shield behind them. The soldiers were admitted directly to the courses although there is no provision for this in the rules. The graduation of former soldiers as PNC officers, which took place in June over the Mission's express recommendation to the contrary, is a flagrant breach of the Government's commitments. Accordingly, the Mission reiterates that access to retraining courses must be limited to individuals who, on the date of the signing of the Agreement, were members of the National Police or the Treasury Guard.

80. The deployment, towards the end of February, of police belonging to the Ixil ethnic group in the towns of Nebaj, Chajul and Cotzal, in the department of El Quiché, constitutes a development without precedent in the history of the police force in Guatemala and has met with a favourable reception on the part of the communities. However, it should be pointed out that there does not appear to be an institutional policy to permit the gradual but sustained integration of members of the various ethnic groups into the police force. For one thing, the timetable for PNC coverage envisages the deployment of retrained police in departments where the indigenous population is in the majority, which is not consistent with the commitment to reflect the multi-ethnic character of Guatemala in the deployment process.

81. Another factor which does not make for a pluralist selection process is the failure properly to publicize courses for new police recruits. During the basic courses, the number of applicants interviewed was not even twice the number of places available, making it difficult to improve the quality of future police officers and limiting the possibilities of incorporating many sectors of the population into PNC.

82. In addition to deploying territorial PNC units, the Ministry of the Interior promoted the establishment of local safety boards to create a forum for discussion and participation concerning security problems affecting the

community. The Mission considers that, while this initiative is consistent with the spirit of the Agreements in that it encourages social participation in the implementation of the new security agenda, the boards' functioning and powers must be regulated so that they are an effective forum for participation.

83. The failure to implement the commitment to establish the Advisory Council on Security – which had already been rescheduled – is cause for concern. This body, which has an important role to play in future security policies, should be an important vehicle for participation on an issue on which achieving broad consensus is a matter of priority.

84. The preliminary arms and munitions bill submitted by the Ministry of the Interior to the Follow-up Commission has been reviewed and analysed by the technical group made up of a representative of the Government, URNG and MINUGUA. The comments and suggestions made by the Commission to the executive branch should facilitate speedy revision of the bill and its official submission to the Follow-up Commission.

Information and intelligence

85. The commitments concerning the establishment of a Civil Intelligence Department and the ratification of laws providing for parliamentary oversight of intelligence bodies, regulating the classification and declassification of information relating to national security and characterizing the crime of maintaining illegal files and records were rescheduled to the second half of 1998 by the Follow-up Commission. However, since the constitutional reform has been delayed, they will probably be rescheduled again; the package of reforms relating to intelligence bodies must be preceded by the amendment of article 244 of the Constitution which states that the armed forces are responsible for both external and internal security. It is, however, important to proceed with the various elements of the reform so as to ensure that it is swiftly implemented once the constitutional amendments have been adopted.

86. Thus far, the only commitment that has been implemented in this area is the establishment of the Strategic Analysis Secretariat, but there is still no law regulating the latter's functions and tasks. The Follow-up Commission agreed to review such legislation in conjunction with the other legislative reforms relating to intelligence bodies. Meanwhile, MINUGUA is verifying whether the Secretariat is maintaining its strictly civilian character, as required by the Peace Agreements and the new Organic Law governing the executive branch.

Armed forces

87. The commitments relating to the armed forces, which were rescheduled to the first half of 1998, include the promulgation of the Civic Service Act. The redeployment of military units on the basis of external security needs has been rescheduled to the second half of the year.

88. The Civic Service Act, after being reviewed by the Follow-up Commission, was submitted to the General Secretariat of the Office of the President, but it has yet to be submitted to Congress. Given that this commitment had been rescheduled to the first quarter of 1998, the Mission views its non-implementation with concern.

89. The Mission has been verifying the commitment to reduce the troop strength of the armed forces since January 1998, on the basis of the final version of the manning and equipment table, approved at the end of 1997 at 31,423 men. Thus far, 14 military zones, three air bases, two naval bases, three brigades and 7 units, totalling 25,227 troops – that is to say, 80.28 per cent of the existing strength – have been verified. These results are compatible with the commitment to reduce troop strength by 33 per cent. This verification is purely quantitative; later on, it will be necessary to conduct a comparison between armed forces staffing levels and the distribution of budgetary credits to the armed forces.

90. With regard to the commitment to reintegrate demobilized members of the armed forces, various training programmes have been instituted which were open to former members of the Mobile Military Police (A/51/757, para. 71). The programmes, which are scheduled to end in the second half of 1998, were well attended. Now it will be necessary to verify to what extent those who benefited from the programmes are actually being incorporated into the labour force and into production and what advice they are being given about support programmes or other benefits which will help them to enter the labour market.

91. With regard to the reorganization and deployment of military forces, the only measure that has been noted is that four military zones were taken out of operation during 1997. Implementation of this commitment has been rescheduled to the second half of the year, subject to the adoption of the constitutional reforms. Only when these reforms have been adopted will it be possible to prepare the legislation outlining the armed forces' new role.

Legislative branch

92. As for the commitments concerning the legislative branch, no progress has been made in the discussion of the issues dealt with by the Technical and Legislative Support

Committee of the Congress, set up as a multi-party forum for enhancing, modernizing and strengthening the legislative branch. Moreover, the bill on the rules of procedure of the legislative branch has yet to be submitted to the plenary Congress.

G. Agreement on Constitutional Reforms and the Electoral Regime

Constitutional amendments

93. The adoption of constitutional amendments has become the central short-term aim of the peace process. Amendment of the legislation concerning the armed forces and the intelligence bodies will remain stalled until the constitutional articles defining the role of the armed forces have been amended. The same difficulties are being encountered in connection with the professionalization of the judiciary. Unfortunately, consideration of this issue at the level of the political parties represented in Congress, which had seemed promising in 1997, did not result in a consensus text, which would have expedited passage of the amendments in Congress. In May 1998, the executive branch submitted its own draft to Congress; after being favourably received by the Congressional Committee on Constitutional Reforms, the text was adopted in the first two readings and is expected to be discussed in final reading in August. Paradoxically, the amendments proposed in the Agreements are not being questioned. The differences stem from the perception that several parties – but also the judiciary and indigenous organizations – have that, since the Constitution is being amended, they should take advantage of the opportunity and make other important changes. Understandably, this broad agenda has given rise to disagreements and these, in some cases, have affected relations among the parties. Thus far, no real agreement has been reached and, as a result, the reform process is being jeopardized. The situation is further complicated by the fact that the election campaign for the next general elections will begin in early 1999 and that the referendum to endorse the adoption by Congress of the constitutional reforms is supposed to be held in 1998. Political parties and concerned sectors of society are urged to do their utmost to promote consensus on the constitutional reform. National and international confidence in the peace process will depend in large measure on the success of their efforts.

Electoral system

94. The Electoral Reform Commission, which was set up, at the request of the parties, by the Supreme Electoral Tribunal, completed its work and issued a report entitled "Guatemala, peace and democracy". The document contains a series of recommendations directed at the Tribunal, political parties, Congress and the universities. One recommendation worth mentioning is the recommendation that the proposed amendments to the Elections and Political Parties Act prepared by the Commission should be presented as a bill, and attention was drawn to the urgent need for the amendments to be adopted before the next elections. Accordingly the Tribunal recently submitted the bill to Congress. All political parties, particularly the Government party which signed the Peace Agreements, are urged to expedite adoption of the bill, on which broad agreement has already been reached within the Electoral Reform Commission, since its adoption will strengthen and lend transparency to the electoral process.

H. Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

95. During the period covered by this report, the integration process has made considerable progress, thanks to the combined efforts made within the Special Integration Commission. Notwithstanding this progress, on 3 May the Commission asked the Follow-up Commission for a six-month extension in order to complete its task and assist in the strengthening of the Guillermo Toriello Foundation, which recently opened six regional offices to enhance accessibility to and coordination with former combatants.

96. The demobilized combatants who were staying in temporary hostels – who were considered the most vulnerable group – have moved to properties acquired with the help of the Land Trust Fund. There, they are receiving support through various projects, including a housing construction project, from the European Union Humanitarian Office, FOGUAVI and Spanish bilateral cooperation. There are also production projects, which are part of the projects to support reintegration financed by the European Union. The distribution of packages of inputs for production activities to demobilized combatants scattered among various communities has been completed.

97. At the same time, all demobilized combatants, together with members of the communities where they have settled, have successfully completed a remedial subprogramme

implemented jointly by the Organization of American States and the Guillermo Toriello Foundation, with support from UNDP and USAID. In addition, a small group of demobilized combatants are benefiting from a subprogramme of training and financing for micro-enterprise management, with support from UNDP and USAID.

98. However, not all the subprogrammes, particularly those for demobilized combatants scattered throughout the country, have been designed or launched. With regard to integration in production, some members of the dispersed population will benefit from a European Union community projects subprogramme, which is scheduled to start during the last three months of 1998. The subprogramme of production projects for demobilized combatants living in areas with uprooted population groups will have to be implemented in close coordination with CTEAR (see para. 12).

99. Other subprogrammes, such as the ones offering legal advice and providing production projects for members of the internal and international political structure of URNG, have yet to receive the funding needed to launch them. Still others, such as the employment training one, have still to be completed. The subprogramme for disabled combatants is still at the study phase.

100. MINUGUA views the decision of the Follow-up Commission to extend the mandate of the Special Integration Commission (CEI) as a sign of the importance that is attached to full compliance with the commitments on the integration of URNG. In view of that extension, it is hoped that CEI will take the political and financial decisions needed to complete the process successfully. It is also hoped that, by the time the new mandate ends, all the subprogrammes planned for the initial integration phase will have been launched and all aspects of the definitive integration phase will have been guaranteed.

101. As to the commitment regarding the security of URNG members, few incidents have occurred in circumstances which might suggest a political motive. The fact that relatively few demobilized combatants have been charged with committing crimes and that there is no sign of the emergence of armed, politically motivated groups made up of demobilized URNG members can also be considered an indication of the success of the process.

102. The establishment of URNG as a political party deserves special attention. Although the Supreme Electoral Tribunal has been cooperating fully, URNG has yet to complete its legalization process. Entry of the former insurgents to the lawful political life of the country is essential to the consolidation of the peace process.

III. Observations

103. The results of verification reveal that the situation is uneven. In this third phase of the implementation timetable, there has been progress consistent with the objectives of the Peace Agreements in several areas. In particular, the restructuring that began in 1996 and 1997 in the social sector has begun to bear fruit in terms of increased coverage. Given the magnitude of the shortfall in social services and physical infrastructure in the country's interior these improvements seem – and are – limited as yet. However, they are a positive sign. Maintaining this effort is the key to achieving the social objectives of the Agreements and to altering the feelings of abandonment by and distrust for the State which are found in much of the rural population.

104. Citizens' participation has also been strengthened, at both the local and the national level. As was pointed out in the previous report, this opening towards participation by traditionally marginalized sectors of the population is a promising feature of the peace process in Guatemala. There are many difficulties to be contended with and a special tribute must be paid both to the State authorities, particularly SEPAZ, the Ministry of Agriculture and other offices dealing with land issues, and to the indigenous and peasant organizations which were responsible for the success of several unprecedented experiments with consultation. This willingness to put one's faith in negotiation and conciliation on such sensitive issues as inter-ethnic relations and access to land reflects a desire for change which, we hope, will grow stronger and extend to other areas – such as labour relations – that have traditionally been marked by confrontation.

105. With regard to public security, the complex process of training and deploying the new National Civil Police is continuing, amidst difficulties to which MINUGUA has drawn attention on several occasions. For all its imperfections, this reform continues to be, together with the modernization of the entire justice sector, a central component of the peace process. The professionalization of the police force and the inclusion of greater numbers of indigenous people in that force are vital to the improvement of public security and the renewal of the relationship between the State and its citizens.

106. Notwithstanding this progress, there has been a noticeable slowing down of the peace process since the beginning of 1998, compared with the previous year. The assassination of Monsignor Gerardi (see A/52/946, para. 10), which has yet to be cleared up, has caused many Guatemalans to wonder whether impunity can be overcome

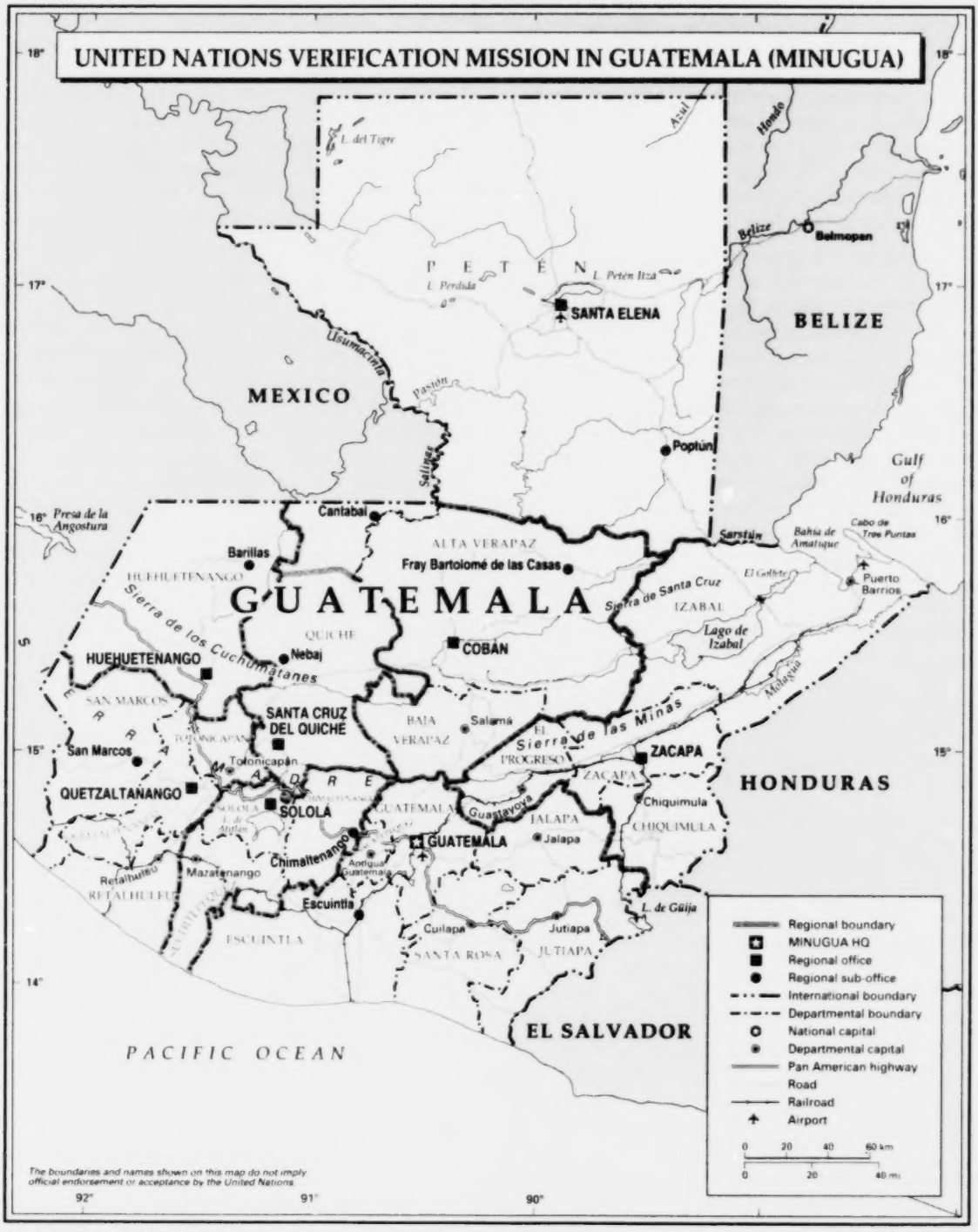
and justice be made to prevail in the short term. This feeling is due not only to that incident but also, in large measure, to the uncertainty that has hung, and continues to hang, over the key issues of fiscal and constitutional reform. With regard to fiscal reform, the concerns and conclusions set forth repeatedly in previous reports continue to be valid: achievement of the fiscal goals of the Peace Agreements is vital to establishing the financial base for the country's social development and to strengthening the institutions of a State governed by the rule of law.

107. The setback that occurred in February 1998 with the rejection of the new Act on the Alcoholic and Other Beverages Sales Tax, and the deep-seated resistance that the tax issue continues to arouse among sectors of the population that have traditionally opposed any increase in the tax burden, have underscored the political obstacles that stand in the way of achieving the modest taxation targets set forth in the Agreements. To put it in broader terms, they have demonstrated that implementing the Peace Agreements means not only overcoming resistance to change on the part of sectors of the population who are anxious to protect their privileges, but also making a considerable effort to explain and raise the consciousness of the population as a whole. Thus, the first seven months of 1998 have revealed the true magnitude of the challenges involved in implementing a peace agenda which seeks to change the course of history in Guatemala. They have also confirmed that the signing of the Peace Agreements did not mean that all the contradictions of Guatemalan society had been resolved, but simply marked the beginning of a new stage in the lengthy process of national development and reconciliation to bridge social, economic, political and ethnic divisions.

108. It is in this context that the parties believe that, with the campaign for the 1999 general elections drawing near, it may prove difficult to forge a national consensus on the major issues of the peace agenda, and that they have pledged to make a special effort to achieve the taxation targets and constitutional reform in the next few months. Accordingly, the Government is again urged to take steps in the short term, in accordance with this pledge, to implement tax measures that will ensure a sustained increase in State resources on the basis of equity, and measures to forge a new fiscal culture in the country. This appeal is also directed at the political parties and at the social and economic leadership of the country, who bear responsibility for ensuring that the fiscal reform is viable.

109. Adoption of the constitutional reforms outlined in the Peace Agreements is probably the most important short-term objective of the peace process. As was pointed out earlier, several substantive changes to the legislation governing the armed forces and intelligence bodies have had to be postponed pending the amendment of the Constitution. Modernization of the judiciary is also dependent on that reform. Constitutional recognition of the identity and rights of indigenous peoples, which is part of the reform, will help to end centuries of exclusion and to give legitimacy to ongoing efforts to redefine social coexistence in Guatemala. The achievement of constitutional reform is a test of the Government's political will and abilities but also of the desire for change on the part of political parties and leaders of the country's social, economic and intellectual sectors.

110. As I stated during my visit to Guatemala in July 1998, the United Nations has continued to monitor the implementation of the Peace Agreements in this third phase of the timetable and remains deeply committed to the peace agenda. Not only was this agenda the platform which helped put an end to the armed conflict between the Government and URNG, but it also reflects the longing of the Guatemalan people to place social coexistence on a new basis, one that provides greater political, economic, social and cultural equity and ensures that the State is dedicated to achieving these goals. During the last few months, we have seen the positive effects which the peace process has already had on Guatemalan society, and have measured how far we have yet to go in order for the peace agenda to become a truly national project. The commitment of the Government and URNG to full implementation of the Peace Agreements continues to be the key factor. The solidarity of the international community with this effort also remains an important factor. In this context, MINUGUA will continue, within the terms of its mandate, to do everything within its power to contribute to this process.



Map No. 3839 Rev. 4 UNITED NATIONS
August 1998

Department of Public Information
Cartographic Section

United Nations A/53/421/Corr.1

General Assembly

Distr.: General
21 October 1998

English only

Fifty-third session
Agenda item 44
The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

Corrigendum

Paragraph 107

The first sentence *should read*

The setback that occurred in February 1998 with the rejection of the new Act on a Single Property Tax, and the deep-seated resistance that the tax issue continues to arouse among sectors of the population that have traditionally opposed any increase in the tax burden, have underscored the political obstacles that stand in the way of achieving the modest taxation targets set forth in the Agreements.

98-31521 (E) 211098

United Nations A/53/422

General Assembly

Distr.: General
23 September 1998
English
Original: English and French

Fifty-third session
Agenda item 76
Strengthening of security and cooperation in the Mediterranean region

Strengthening of security and cooperation in the Mediterranean region

Report of the Secretary-General

I. Introduction

1. At its fifty-second session, the General Assembly adopted resolution 52/43 of 9 December 1997, entitled "Strengthening of security and cooperation in the Mediterranean region", paragraphs 5 to 10 of which read as follows:

> "*The General Assembly*,
>
> "...
>
> "5. *Calls upon* all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament and non-proliferation, thus creating the necessary conditions for strengthening peace and cooperation in the region;
>
> "6. *Encourages* all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genuine openness and transparency on all military matters, by participating, *inter alia*, in the United Nations system for the standardized reporting of military expenditures and by providing accurate data and information to the United Nations Register of Conventional Arms;
>
> "7. *Encourages* the Mediterranean countries to strengthen further their cooperation in combating terrorism, in all its forms and manifestations, which poses a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation;
>
> "8. *Invites* all States of the region to address, through various forms of cooperation, problems and threats posed to the region, such as terrorism, international crime and illicit arms transfers, as well as illicit drug production, consumption and trafficking, which jeopardize the friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society;
>
> "9. *Requests* the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;
>
> "10. *Decides* to include in the provisional agenda of its fifty-third session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

2. To date, a reply has been received from one Government and its response is reproduced in section II below. Any replies or notifications received subsequently will be issued as addenda to the present report.

98-27917 (E) 021098 061098

II. Replies received from Governments

Algeria

[Original: French]
[14 September 1998]

1. Algeria fully supports the objectives and the actions envisaged by the General Assembly in its resolution 52/43 concerning the strengthening of security and cooperation in the Mediterranean region.

2. Algeria has always demonstrated an unwavering attachment to the Mediterranean and a constant commitment to the cause of bringing the Mediterranean countries closer together by creating a zone of stability and collective security and promoting the establishment of a space for development and shared prosperity. Against this background, Algeria has participated and been deeply involved in all of the region's own initiatives and, in particular, in the implementation of the Barcelona process, the purpose of which is to establish a framework for renewed partnership.

3. Following the Barcelona Conference in November 1995, which laid the foundation for new relations between the two shores of the Mediterranean, the second Euro-Mediterranean conference, held at Valletta (Malta) in April 1997, facilitated the calm evolution of this process and gave a political impetus to the dynamics of the partnership.

4. The regional political context in which this conference took place confirmed once again the correctness of a global, balanced and multidimensional approach. As coordinator of the group of Arab Mediterranean States, Algeria made its contribution to the maintenance and strengthening of this process, which constitutes a fundamental political achievement.

5. For Algeria, political and security partnership depends on a correlation between security and stability and on the need for economic and social development. The approach adopted involves the gradual, pragmatic implementation of confidence-building measures, taking due account of the changing political and security situation in the region. These measures are intrinsically linked to the just and lasting resolution of conflicts, the peaceful settlement of disputes, concrete and effective measures of disarmament through the accession of all States of the region to the multilateral agreements on the prohibition of weapons of mass destruction (the Non-Proliferation Treaty, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction) and the placement of all nuclear installations under the international control of the International Atomic Energy Agency (IAEA).

6. In addition, Algeria considers that the political and security partnership should be characterized by the riparian States' common political will to face their common challenges together by respecting the principles of international law, particularly those of non-interference in the internal affairs of another State, non-use of force or threat of force, and respect for sovereignty. Any such cooperation can only help to strengthen democracy, consolidate the rule of law in the region and eliminate new forms of threat to peace and security, including disruptive and transnational phenomena, in particular, terrorism.

7. Terrorism, a universal phenomenon which threatens the democratic foundations of States and whose transnational nature has just been confirmed by the attacks on Nairobi and Dar-es-Salaam, in Africa, during the month of August, requires a policy of prevention and sustained cooperation among all the countries of the Mediterranean. The task, therefore, is to increase and strengthen cooperation against terrorism, which remains the primary challenge to be faced by all the Euro-Mediterranean partners and by the international community.

8. Within the framework of the economic and financial partnership, Algeria has emphasized the need to reduce development disparities between the two shores and has placed particular emphasis, on the one hand, on a just and equitable distribution of the financial flows available to the Mediterranean partners and, on the other, on the need for debt relief and conversion. This requires, to put it plainly, the introduction of new economic relationships and the promotion of a partnership for mutual development. In short, the free-trade area must not constitute an end in itself but a means of attaining the more ambitious goal of a zone of shared prosperity.

9. Where social, cultural and human partnership is concerned, Algeria believes that the establishment of a free-trade area calls for action to address the question of people's mobility, particularly by improving the conditions for travel between the two shores. Lifting restrictions on freedom of travel and settlement will facilitate improved exchanges between people and greater understanding among the coastal societies.

10. Algeria's contribution to the rapprochement of the peoples of the Mediterranean was given concrete form by the convening of the fourth regular session of the Mediterranean Forum in Algiers on 11 and 12 July 1997. The

Algiers meeting marked an important stage in the consolidation and invigoration of this important framework for dialogue and cooperation among Mediterranean countries and confirmed the usefulness of this framework and the commitment of all member countries to the Forum.

United Nations A/53/423

General Assembly

Distr.: General
23 September 1998

Original: English

Fifty-third session
Agenda item 110 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with Assembly resolution 52/142 of 12 December 1997 and Economic and Social Council decision 1998/273 of 30 July 1998.

98-27951 (E) 191098

Annex

Interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights in accordance with General Assembly resolution 52/142 of 12 December 1997 and Economic and Social Council decision 1998/273 of 30 July 1998

Executive summary

1. The public and private debate about change in governance and in the judicial system has become more open and more sharply focused.

2. Much of this change would directly or indirectly impact on the promotion and protection of human rights.

3. There is a significant commitment to such change in many quarters including, in particular, the executive.

4. Some human rights sectors are already benefiting from this including, in particular, freedom of expression which, despite occasional setbacks, does appear overall to be making progress.

5. Comprehensive plans for change in other areas have been announced including, in particular, the prison system and, to a lesser extent, the court system. There have also been positive developments with regard to the Independent Bar Association and the Islamic Human Rights Commission.

6. In other areas, notably the status of women and the status of religious and ethnic minorities, there appears to be no comparable commitment to change. In both areas, human rights violations continue to occur.

7. The situation of the Baha'is has not improved in the period under review, nor has there been progress in the matter of the fatwa against Salman Rushdie.

8. In selected other areas, progress, in real or prospective terms, exists in about half the areas examined.

9. While the Islamic Republic of Iran is making progress in the field of human rights, this progress is uneven and a number of sectors are, at this time, being left behind. The Government needs to broaden its agenda for change and to declare a strong commitment to achieving certain goals within specified time-frames.

Contents

		Paragraphs	Page
I.	Introduction	1–4	4
II.	The Special Representative's activities and sources	5–7	4
III.	Freedom of opinion and expression	8–15	5
IV.	Status of women	16–24	5
V.	Legal subjects	25–40	7
	A. The legal system	25–26	7
	B. Independent Bar Association	27	7
	C. Executions	28	7
	D. The prison system	29–33	7
	E. Torture or cruel, inhuman or degrading treatment or punishment	34–40	8
VI.	Situation of the Baha'is	41–46	9
VII.	Other important matters	47–64	9
	A. Islamic Human Rights Commission	47–49	9
	B. Situation of certain religious minorities	50–55	10
	C. Narcotics control	56–58	10
	D. Extraterritorial violence	59–63	11
	E. Democracy	64	11
VIII.	Conclusions	65–68	11
Appendices			
I.	Freedom of expression		13
II.	Situation of the Baha'is		14
III.	Correspondence between the Government of the Islamic Republic of Iran and the Special Representative, January–August 1998		15

I. Introduction

1. The domestic reform process in the Islamic Republic of Iran, which has been given new life and major impetus by President Khatami, continued during the period under review, January to 31 August 1998. For many, this process was too slow in bearing fruit and the improvements were too uncertain. For others, the process was moving too quickly, and the Islamic nature of the society was in jeopardy. Some observers saw the contest as one between freedom on the one hand and economic development and social justice on the other. The development of human rights in the Islamic Republic of Iran seems to be very much bound up with the outcome of this debate.

2. In practical terms, the contest is impeding improvements in most of the major sectors under review by the Special Representative. Thus, in the area of freedom of expression where progress is tangible, it seems to be too often a matter of two steps forward and one step back. In other areas, notably the legal system, there is a promising commitment by the executive. In still others, such as women, and despite statements by the Government, continuing quantifiable progress is not yet in sight. There are bright spots or potentially bright spots such as the Islamic Human Rights Commission, the acknowledgement that torture exists, and the reform of the prison system. The situation of the Baha'is has not improved. As the present report was completed, it was reported in the media that an accommodation on the matter of the fatwa against Salman Rushdie had apparently been reached between the Iranian and British Foreign Ministers.

3. The Special Representative was very disappointed that, despite repeated statements to the United Nations High Commissioner for Human Rights and to others, no invitation was forthcoming from the Government for the Special Representative to visit the Islamic Republic of Iran. It was inevitable that the absence of first-hand knowledge would have an impact on this report. The Special Representative again calls on the Government to resume its full cooperation with him in the discharge of his mandate.

4. Finally, the Special Representative wishes to note the visit to Tehran of the High Commissioner during this period to open the Sixth Workshop on Human Rights Arrangements in the Asia Pacific Region. In the course of the visit, the High Commissioner had discussions with senior Iranian officials on human rights matters, among which was the question of another visit to the Islamic Republic of Iran by the Special Representative.

II. The Special Representative's activities and sources

5. In April 1998, the Special Representative introduced his third report to the Commission on Human Rights (E/CN.4/1998/59). The Special Representative returned to Geneva in May to carry out consultations and participate in the fifth meeting of special rapporteurs, special representatives, experts and chairpersons of working groups of the Commission on Human Rights. During his stay in Geneva, from 17 to 27 August 1998, to prepare the present report, the Special Representative met with senior officials of the Government of the Islamic Republic of Iran, and with the United Nations High Commissioner for Human Rights, and had other consultations.

6. To carry out the terms of his mandate, the Special Representative continues to draw from a wide range of information sources, including the Government of the Islamic Republic of Iran, other Governments, United Nations organizations, bodies and programmes, non-governmental organizations, individuals and media reports emanating from inside and outside the Islamic Republic of Iran.

7. During the reporting period, the Special Representative received written communications from the following groups: About Iran; Amnesty International; Cross Colors Communication, Inc.; Association of Iranian Political Prisoners in Exile; Association for World Education; The Joint Committee of Iranian Opposition; Baha'i International Community; Democratic Party of Iranian Kurdistan; Iranian Worker Left Unity; Labour Council (Shoray kar); Sharareha Association; Solidarity Radio (Hambastegi Radio); Wamen Radion (Zanan Raido); Left activists; International Federation of Iranian Refugees; International PEN; People's Mojahedin Organization of Iran; Lawyers Committee for Human Rights in New York; National Council of Resistance of Iran; National Committee of Women for Democratic Iran; Organisation for Defending Victims of Violence; Organization of Iranian People's Fedaian (Majority); Labour Party of Iran Tofan; Group Defending Freedom of Expression in Iran; Iranian Association of Writers in Exile; Organization of Revolutionary Workers of Iran (Rahe Kargar); Fadaiian (Aghaliat); Communist Party of Iran; Combatant Workers Party of Iran; Hasteh Aghaliat; Society for the Defense of Political Prisoners in Iran; Working Group for Institutionalization of Human Rights in Iran (WGIHRI); World Association of Newspapers; and Human Rights Watch.

III. Freedom of opinion and expression

8. The period from January to August 1998 saw a continuation of government efforts to make progress in the area of freedom of opinion and expression. That Iranian media reported widely on these developments itself speaks to the freewheeling public debate that continues on many subjects. Some of the reported incidents are set out in appendix I.

9. Some incidents deserve particular mention. In May, foreign wire services quoting Islamic Republic of Iran dailies, said that the former editor of *Iran*, Morteza Firoozi, who had been in custody since May 1997, had lost his appeal on charges of having spied for several countries, and of committing adultery with a married woman. He was reported in the Iranian press to have been sentenced to death by stoning. Firoozi is said to be a highly regarded and well-connected journalist. Interventions by a number of international agencies, including an urgent appeal by the Special Rapporteur on extrajudicial, summary or arbitrary executions of the Commission on Human Rights, were made on his behalf. The Government has advised that this death sentence has been commuted.

10. In July, a foreign wire service, quoting the Iranian national news agency (IRNA), reported that an Iranian appeals court had upheld a ban on a leading reformist paper, *Jameah*, which had become very popular for its outspoken reporting. The court referred to the publication of immoral material and to cartoons insulting the judiciary. Also in July, a foreign wire service, quoting a Justice ministry spokesman, said that the director of the weekly *Khaneh* had been detained for "offending Islam", the Shiite clergy and Imam Khomeini, and for publishing photographs that violated public modesty. In August, a foreign wire service quoting IRNA reported that the Tehran Justice Department had banned the daily newspaper *Tous* which had resumed publication only the week before after a previous run-in with Iranian officials. Foreign wire services also reported that two reporters had been attacked by militants outside the offices of the newspaper. Shortly thereafter, a successor publication, *Attab-e Emrouz*, began publication.

11. Meanwhile, the Deputy Minister of Culture and Islamic Guidance for media affairs, Ahmad Bourqani, was quoted in the Islamic Republic of Iran English-language press as declaring that the Ministry would employ all its legal machinery for freedom and lawful operation of the press. He said that the Ministry would resort to the judiciary to protect this freedom. He was quoted as saying "nobody has the right to exert pressure on the press and the statements made on the basis of personal taste have no legal basis". He asserted that the Iranian press was now finding its true position in society. Government sources state that there are now some 1,095 licensed periodicals and 88 newspapers published in the Islamic Republic of Iran.

12. During this period, the minister responsible for media, the Minister of the Interior, was forced to resign by an impeachment vote in the Majlis. He was immediately appointed Vice-President of the Government. His successor as minister vowed to continue the reform effort. A foreign wire service reported that at his inauguration, the new minister declared "it is no art to allow only those to speak who agree with us".

13. In related developments, students at Tehran university held several large rallies during which strong criticism of the system was expressed. While there had been opposition to their being held, the Government appears to have intervened on only one occasion. Moreover, during this period, the extrajudicial group Ansar-e Hezbollah, which has a record of trying to break up reformist public meetings, appears to have been less in evidence, although there was at least one recorded attack on a meeting of university students in a Tehran park. There were also reports in April of unidentified groups disrupting Friday prayers in Isfahan, and of the failure of the judiciary to prosecute those concerned.

14. The Iranian media are clearly continuing to have a difficult time. On the one hand, there is in practice widespread freedom of expression; on the other, the lawful constraints upon that freedom have yet to be defined clearly and to be regulated by a truly independent tribunal committed to the application and enforcement of the law.

15. Freedom of expression remains a principal field of contention between two groups of leaders with strongly differing visions of Iranian society; one seeks significant respect for freedom of expression and related liberties.

IV. Status of women

16. In the period from January to August 1998, the status of women in the Islamic Republic of Iran did not appear to improve in any significant way.

17. According to foreign wire services, there continued to be occasional harassment of young women by Tehran police and extrajudicial groups for failing to conform to the appropriate dress code. In February, a foreign wire service reported the issuance of stricter dress code requirements for women as well as provisions for prison terms of three

months to one year, fines and the inflicting of up to 74 lashes.

18. In January 1998, a foreign wire service reported that the Majlis had rejected a bill that would have provided for equal inheritance rights for men and women. In May, the Iranian and foreign press reported the adoption by the Majlis of a law for the compulsory segregation of health-care services for men and women which the critics said would compromise health care for women and girls because there were not a sufficient number of trained female physicians and health-care professionals to meet their needs. The President of the Iran Society of Surgeons, a former Minister of Health, resigned over the issue and 1,200 doctors reportedly signed an open statement of protest. The proposal was also opposed by the Ministry of Health. In August 1998, a foreign wire service reported that the Majlis had approved a law imposing more restrictions on the use of photographs of women in newspapers and magazines.

19. With regard to the application of existing law, the Iranian media reported in June that a spokesman for the judiciary had declared that courts were not to accept cases brought before them for the registration of marriages between Iranian women and foreign nationals that lacked the necessary legal authorization of the Ministry of the Interior. It was further reported that any foreign national who married an Iranian woman without such prior authorization was subject to one to three years in prison.

20. In the official journal, No. 15,468, of 6 April 1998, it was reported that on 3 February 1998 the Supreme Council had taken a decision that the Islamic Republic of Iran would not accede to the Convention on the Elimination of All Forms of Discrimination against Women.[8] In the same issue of the journal, a document was published entitled "Principles and foundations of executive methods to promote culture of modesty and wearing of the veil". This document declared that, among other steps, the culture of modesty and wearing of the veil "must be observed in city planning and architecture", and that the chador "must be respected as the most complete and the most commonly used veil".

21. In August, the English-language Tehran press reported the appearance of *Zan*, the first women's daily paper devoted to women's affairs.

22. The role of women in the Iranian judicial system has been a matter of some uncertainty. The latest word on this subject from the head of the judiciary, Ayatollah Yazdi, as reported by Tehran Radio in July, is that there are now 99 women in the judicial system. Other reports add that, of these, four are judges in the family court and one is an assistant judge in the general court. So far however, no woman presides over trials or pronounces verdicts.

23. The Special Representative does not claim particular expertise on the status of women in Iranian or Islamic law. However, even a superficial reading of the literature suggests that there are real concerns relating to the application of particular Iranian norms and practices. These include the right to *mahr*, the bridal price roughly comparable to a dowry. It is described as often being a married woman's only bargaining counter in the face of threats of divorce. In rural areas, *mahr* is often replaced by *shirbaha*, a payment to the bride's father which effectively deprives rural women of all bargaining power. A second right viewed by observers as crucial is the legal reality of divorce. While men can divorce at will, women have to meet one of 12 specific criteria. Moreover, for minor indiscretions, the man can reportedly force the forfeiture of the *mahr* during divorce proceedings, in the course of which the woman may also lose her assets in the marriage and the custody of children above a certain age. Long delays in granting divorce to women can also occur. In January, the Prosecutor-General was quoted in a London-based Farsi newspaper as saying divorce could take up to 15 years. A third area of widespread concern is what might be called the autonomy of dress. Many argue for a more flexible view of what Islam requires in terms of *hejab*, rather than an insistence on the full chador, a garment viewed by many as singularly inconvenient and uncomfortable, and as only one of many traditional forms of *hejab* in Iranian society. There is also strong resentment at the implementation of the dress code by a variety of judicial and extrajudicial agencies, and at the excesses of punishment meted out for sometimes minor infringements. Reportedly, over the years, these have involved whippings and worse. For his part, the Special Representative has repeatedly pointed out the grossly offensive manner in which the dress code is on occasion enforced. A fourth area of concern is the reported lack in practice of a prompt and effective avenue through which a wife can get round a husband's withholding of consent which, in medical situations in particular, can jeopardize successful treatment and sometimes the life of the wife. Existing recourse to the courts even in medical cases is in practice often a highly drawn-out process.

24. The Special Representative suggests that in terms of the immediate interests of those most affected – the women of the Islamic Republic of Iran – the discourse should focus in the first place on such everyday needs of women. In the Islamic Republic of Iran, change remains both urgent and necessary and the steps mentioned above would constitute an important first step in addressing the discrimination faced

by women. In the view of the Special Representative, leadership by the Government in this field remains one of the critical touchstones for the overall improvement of human rights in the Islamic Republic of Iran.

V. Legal subjects

A. The legal system

25. The recent celebrated trials of the Mayor of Tehran, Gholam Hossein Karbaschi, and his colleagues touched off an intense public debate about the conduct of trials and, particularly, the appropriate role of judges. The conclusion seems to have been that the existing process had major flaws and that the system had to be reformed. An Iranian periodical carried a more broadly based critique of the search for a civil society and the Iranian judicial system, concluding that a major overhaul of both the judiciary and the relevant legislation was a prerequisite of the establishment of a civil society in the Islamic Republic of Iran.

26. The Special Representative had occasion in the period under review to discuss with the Iranian Prosecutor-General, Ayatollah Moghtadai, the reform of the legal system. The Special Representative was informed that (a) amendments to the existing law on the public and revolutionary courts were to go to the Majlis shortly; (b) training of judges was to be improved by requiring prospective judges to have an undergraduate degree before entering the judicial college; and (c) a judicial inspectorate of very senior judges had been established with a "sweeping mandate" for review and reform in each judicial complex of matters such as procedure, treatment of offenders and prioritization of court cases. So far, the process had been completed at two judicial complexes with what was described as significant success. With regard to the right to a lawyer, the Prosecutor-General volunteered that, "regrettably", some judges had resisted this development, particularly in the Revolutionary Courts. This has now been overcome and should it come to light in the course of review that a defendant has not been represented, the case will be sent back for retrial. If the defendant wants to defend himself or has no money to pay for a lawyer, the Court will instruct the Bar Association to appoint a lawyer. When asked about allegations that lawyers do not always defend their client vigorously or independently, the Prosecutor-General agreed to receive complaints in this regard. He was at the moment pursuing one such case with the Bar Association.

B. Independent Bar Association

27. In response to a question from the Special Representative concerning the openness of the long-promised elections for the executive of the Bar Association, finally held in December 1997, the Prosecutor-General denied reports that candidates had to have been approved by the Guardian Council, but did acknowledge that certain qualifications were required. In August, an Iranian paper reported a written protest by the Bar Association to Ayotallah Yazdi over the threats by the judge in the Karabaschi case to expel the defendant's lawyer. Also in August, an Iranian paper published the text of a detailed letter by the Bar Association to the Minister of Justice describing the weaknesses of the general courts system and setting out a number of important provisions that should be included in proposed amendments to the legislation.

C. Executions

28. Executions, as reported in the Iranian press in the period under review, have probably continued at a fairly high level. The Iranian authorities have now agreed to cooperate with the Special Representative in the provision of requested statistics. In the meantime, they insist that, excluding convicted drug traffickers, the figure is much lower than reported, perhaps by half. The Special Representative hopes to be able to include official statistics on this matter in his next report.

D. The prison system

29. The Special Representative had occasion to meet Morteza Bakhtiari, the newly appointed Director-General of the Prisons Organization, Public Protection and Prison Education. The prison system had been subjected to much criticism in the past both by the Special Representative and his predecessor, by the witness of former inmates and by non-governmental organizations and others concerned with the treatment of prisoners in the Islamic Republic of Iran.

30. Mr. Bakhtiari brings a new face and, it appears, a new approach to the task of reforming Iranian prisons. In the course of conversation, the following information was supplied. There are about 150,000 prisoners in the official prison system of whom about 63 per cent were incarcerated for narcotics-related offences. This percentage becomes higher closer to the Afghanistan/Pakistan border; in Kerman the figure is 82 per cent. It has now been decided to transfer

narcotics-related prisoners, if they agree, to newly established dedicated centres of which two are currently operating and a further 26 will be in operation by the end of the year. The governing ratio is 70 acres of land for each 500 prisoners. These centres will have a wide variety of facilities designed for rehabilitation.

31. With regard to other changes, Mr. Bakhtiari said that the Prisons Organization was (a) establishing a five-year plan for development; (b) establishing or strengthening human resource development such as academic scholarship programmes for social work training; (c) gradually recruiting professionally trained guard staff; (d) introducing twice-a-year workshops with all the provincial directors of prisons focusing on legal matters and in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners;[b] and (e) preparing a new prison law which would emphasize rehabilitation and introduce the United Nations Standard Minimum Rules into Iranian law.

32. In response to questions about other detention centres, often known for their mistreatment of detainees, Mr. Bakhtiari said that a senior task force had been established in the judiciary, including himself, "to root out illegal detention centres". With regard to the mistreatment of prisoners, Mr. Bakhtiari declared such treatment was anti-Islamic and that every person detained or imprisoned on any ground should receive treatment according to law.

33. The Special Representative welcomes the prospect of serious improvement of the Iranian prison system, and looks forward to following the implementation of these long-overdue reforms.

E. Torture or cruel, inhuman or degrading treatment or punishment

34. In his recent reports, the Special Representative has been addressing certain punishments used in the Islamic Republic of Iran that are generally considered to fall within this category. One of these is stoning. In March 1998, an Iranian daily carried a report about a news conference in which a senior official, in response to a question about why he had not defended the practice of stoning during interviews outside the country, said that "we should keep the interests of our country in mind in an open atmosphere of international public relations. Would it be in our interest if an act of stoning is filmed and broadcast abroad? If not, we should consider carrying out the verdict in front of a small crowd of the believers in order to forestall public backlash". To the Special Representative's knowledge, this is the first recent occasion on which such a senior official has spoken about this form of punishment. The Special Representative notes with regret such evident approval for this form of punishment from such a source in the executive. The Special Representative again calls upon the Government to abolish the practice of stoning.

35. It has come to the attention of the Special Representative that Iranian courts have on occasion apparently sentenced persons to blinding. A foreign wire service carried such a story, dated 4 January 1998, without providing the name of the individual or the place where the sentence was meted out. Even as retribution for a crime that had involved an act of blinding, there can be no justification for such a punishment as so clearly falls within the international definition of cruel, inhuman or degrading punishment. The Government advises that this sentence has been revoked.

36. With regard to amputation, the Special Representative notes that according to the Iranian press and foreign wire services, amputation continues to be a judicially imposed punishment, chiefly, it would seem, for those convicted of repeated theft. The Government advises that, in practice, no amputation punishments are now being carried out.

37. In this report, the Special Representative wishes to pay some attention to the subject of torture. Torture appears to have had a long history in the Islamic Republic of Iran; it was certainly widely practised in the Pahlavi era. It is frequently alleged that it has continued since that time. Without going back over the period covered by his predecessors, the Special Representative wishes to observe that there appears to be much credible evidence in support of such allegations. Since his assumption of the mandate, the Special Representative has received many such allegations, most, but not all, referring to the period before he took office. The Special Representative has no reason to doubt that many of these have a basis in fact. In its occasional comments on the subject, the Government has until now simply declared that torture is banned by the Constitution. Specific allegations brought to its attention were denied. Allegations of torture have not been mentioned in the Iranian press.

38. Recently, however, there have been several positive developments. The first is that allegations of torture, apparently used to elicit information or a confession, are now being openly reported in the Iranian press, perhaps most notably in the aftermath of the recent trial of Gholamhossain Karbaschi, the then Mayor of Tehran, and his colleagues. Second, foreign wire services, quoting Iranian press stories, reported that in response to these allegations, 152 deputies

in the Majlis had sent a letter to the Supreme Leader Ayatollah Khamani requesting a high-level inquiry into them. Third, as mentioned in paragraph 48 below, the Islamic Human Rights Commission has recently seemed to be taking allegations of torture seriously. Fourth, an Iranian paper reported in July that the Commander of the State Security Forces Protection and Intelligence Department had declared that 10 or 12 suits had been filed against the security forces for torture and physical and psychological violence.

39. The existence of torture has been confirmed by witnesses who have appeared recently before the Special Representative, testifying to extreme physical abuse at particular detention centres in Tehran during the period under review.

40. The Special Representative views these developments with considerable hope. That such allegations are now part of the public discourse is an important first step towards doing away with this gross invasion of personal integrity – this violation of basic human rights.

VI. Situation of the Baha'is

41. During the reporting period, the Special Representative continued to receive reports of the violation of the human rights of Baha'is, forcing him to conclude that the pattern of persecution of members of this community has not abated.

42. According to information received by the Special Representative (see appendix II), a Baha'i prisoner in Mashad, Ruhu'ulah Rowhani, was executed on 21 July 1998, after having served nine months in solitary confinement reportedly on charges of unlawfully attempting to convert a woman to the Baha'i faith. Three other Baha'is were reported to have also been sentenced to death in Mashad. After first denying the reports, the Iranian authorities subsequently acknowledged that he had been executed. They asserted that the case had nothing to do with conversion, that he had been convicted instead of spying for Israel, and that this was the third occasion on which he was found to have been engaged in this activity. The authorities stated that the death sentences against the other three Baha'is who had been convicted of the same offence had been lifted, as this was their first offence.

43. It was reported that since November 1997, 12 Baha'is had been imprisoned and 6 released. According to information received, by the end of July 1998, 15 Baha'is remained in detention in the Islamic Republic of Iran, charged with such activities as holding meetings and teaching their faith, or allegedly engaging in espionage activities of one sort or another.

44. There continued to be reports of violations of the basic human right of Baha'is to enjoy free and peaceful association, to be free from the confiscation and destruction of individual and community Baha'i property, and to be free from discrimination with regard to access to education, employment, pensions and other public benefits, as well as reports of the denial of other fundamental rights and freedoms, including, *inter alia*, the freedom of movement.

45. The Special Representative once again urges the Government of the Islamic Republic of Iran to improve its treatment of the Baha'i community and, specifically, to refrain from ordering the death penalty for religious offences; to lift the ban on Baha'i organizations so that Baha'is may associate freely; to put an end to discrimination against Baha'is in all spheres of public life and services; to effect the return of confiscated personal and community Baha'i property; to institute the reconstruction of destroyed places of worship wherever possible or, at a minimum, ensure the provision of appropriate compensation to the Baha'i community; to lift restrictions regarding the burial and honouring of the dead; and to eliminate from passport application forms questions concerning religion so as to avoid undue infringements on the freedom of movement.

46. The Special Representative once again urges the Government of the Islamic Republic of Iran to implement the outstanding recommendations of the Special Rapporteur on religious intolerance.

VII. Other important matters

A. Islamic Human Rights Commission

47. In previous reports, the Special Representative had noted the reports he had received of the activities of the Islamic Human Rights Commission. He made recommendations for their extension and, in particular, for more detailed reporting on the allegations received by the Commission and their disposition, and on human rights developments generally in the Islamic Republic of Iran.

48. In March 1998, a foreign wire service carried a report, based probably on a Tehran press conference, of the Commission's Secretary-General, Mohammad Hassan Ziaifar. In this report, Mr. Ziaifar gave important information. There had been 2,450 complaints to the Commission in the past year, half of them from women and 50 per cent of them against the police. The Commission had

probed complaints from religious minorities "notably the Baha'is". Mr. Ziaifar acknowledged there were widespread human rights violations in the Islamic Republic of Iran, stating: "Torture and violence have no affinity with Islam." He complained about the detention centres run by different government organizations. The Commission had began to educate police and security officers as well as prison guards and judges about international and Islamic concepts of human rights. "We are after a cohesive, lawful and organized system to investigate and prove violations. We do not want to create a conflict between the Western notion of human rights and the Islamic one. We are after common ground. Human rights do not know borders. You cannot draw a fence around it." In a July report attributed to Tehran dailies, Mr. Ziaifar again spoke of the need for reform, particularly with regard to the use of coercion to obtain confessions.

49. The Special Representative welcomes what seems to be a new openness on the part of the Islamic Commission, and in particular a greater focus on the human rights situation within the Islamic Republic of Iran. He recommends that these trends be appropriately institutionalized and publicized as part of the process of the Commission's becoming a truly independent national agency for the promotion and protection of human rights in the Islamic Republic of Iran. He also suggests that a national action plan for human rights be developed.

B. Situation of certain religious minorities

50. In his report to the 1998 session of the Commission on Human Rights, the Special Representative expressed his view on what constitutes a minority by referring to the definition set out some years ago by Special Rapporteur Francisco Capotorti.[c] This definition is at odds with the view of the Iranian Government that religious minorities are defined constitutionally in the Islamic Republic of Iran, and that its constitutional definition does not, for example, encompass the Sunnis or certain other groups. The Special Representative continues to believe that in the Islamic Republic of Iran, groups meeting the Capotorti definition face discrimination – in some cases religious and in others ethnic or linguistic. He had hoped to pursue the matter in the course of a visit to the Islamic Republic of Iran, but the absence of the cooperation of the Government in this regard precluded this.

51. As regards the general subject of minority rights, the Special Representative wishes to draw attention to the latest Commission on Human Rights resolution thereon, namely Commission resolution 1998/18 entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", adopted on 9 April 1998.

52. According to information coming to the Special Representative's attention from Zoroastrian and Christian sources in particular, even the recognized minorities believe they face discrimination in civil society. Allegations include the difficulty of obtaining government employment; the requirement placed upon shops to have a window sign reading, "Designated for religious minorities", which, officially, should apply only to food shops in the context of halal food, but which in practice is used to discourage Muslim customers; and the awarding of substantial damages in automobile accident claims if the driver was a person of a religious minority and the victim a Muslim but very low awards for cases where the reverse obtains. More generally, it is asserted that all minorities, especially religious minorities, are by law or practice barred from being elected to a representative body (except as regards the reserved seats in the Majlis), from becoming a school principal and from holding senior government or military positions.

53. In his last report to the General Assembly (A/52/472, of 15 October 1997), the Special Representative commented on the allegations he had received from Sunni sources, particularly the Baluch, concerning the destruction of Sunni schools and mosques, and the imprisonment, execution and assassination of Sunni leaders. Some of these allegations were and are quite specific. There are also charges of socio-economic discrimination and repression, and transmigration policies that risk turning the Baluch into a minority in their traditional lands.

54. The Government has made it clear that it does not regard the Sunnis, as fellow Muslims, to be a minority in Iranian society nor are they discriminated against owing to their beliefs. The Special Representative has been further informed that there are at least one judge and one provincial governor, and six or eight members of the Majlis, who are Sunnis.

55. The Special Representative is satisfied that the Sunni community and the Baluch in particular may well be subject to unacceptable treatment and he calls upon the Government to address the situation as a systemic problem rather than insist upon the details of particular incidents.

C. Narcotics control

56. The subject of narcotics control has been much discussed in the period under review. As noted above,

Iranian sources advise that nationally, 63 per cent of about 150,000 prisoners have been convicted of drug-related offences (see para. 30 above). These prisoners are now being separated into separate dedicated centres.

57. In January, an Iranian newspaper, quoting a statement of the Metropolitan Tehran police force, reported that 21,861 drug dealers and addicts had been arrested over the previous nine months. In February, the Iranian press reported an announcement by the Prosecutor-General, Ayatollah Moghtadai, that the punishment for drug trafficking had increased between two- and tenfold. In July, the *Economist* magazine described the narcotics crisis facing the Islamic Republic of Iran in terms of the struggle to control the entry of narcotics from Afghanistan and Pakistan. Almost 175 tons had been seized on the borders with those countries in the last year, up from perhaps 30 tons in 1990. The *Economist* noted that, according to official statistics, there were 500,000 addicts in the Islamic Republic of Iran but, also, that private estimates were higher.

58. The allegation is made from time to time that in its war on drugs, the Government sets aside human rights considerations or, worse, that it uses drug trafficking charges as a pretext for executing political prisoners. The Government has denied such charges. During the period under review the Special Representative has again received such an allegation. By their very nature, such allegations are difficult to prove or disprove in the circumstances that exist in the Islamic Republic of Iran. The Government advises that capital punishment is now only imposed in the case of ringleaders.

D. Extraterritorial violence

59. In the period under review, the Istanbul Court of Appeal upheld the conviction of an Iranian national, one Reza Barzegar Massoumi, for complicity in the murder in Istanbul in 1996 of Zahra Rajabi and Ali Moradi, both associated with the National Council of Resistance (NCR). Four members of the Iranian Consulate General in Istanbul had earlier been declared *personae non gratae* by the Turkish Government. In Rome, Italian security authorities reportedly continue their investigation into the assassination in Rome on 16 March 1993 of Mohammad Aossein Naghdi, the representative in Italy of the National Council of Resistance.

60. The Government of the Islamic Republic of Iran has consistently denied all allegations about involvement in such murders of Iranian dissidents abroad. The Special Representative notes that no new incidents of the type described above have come to his attention in the period under review.

61. Violence also continued against Iranian armed groups on the Iraqi side of the Islamic Republic of Iran/Iraq border. These attacks are not generally denied by the Iranian Government which describes them rather as legitimate self-defence measures. Given the uncertainty over the definition of the conditions usually attached to the exercise of this right at international law, with regard both to the existence of a real and present danger, and the principle of proportionality, it is difficult to come to unequivocal conclusions in most such cases.

62. Within the Islamic Republic of Iran, it should be noted that the National Council of Resistance has accepted responsibility for a July bombing in Tehran in which a number of persons were killed whom the National Council of Resistance asserts were judicial officials; this assertion is denied by the Iranian Government. In August, the same organization claimed responsibility for assassinating Asadollah Lajevardi, the former Director-General of the Iranian Prisons Organization. Two other persons were reportedly also killed in the incident.

63. The Special Representative condemns political violence among Iranians whether inside or outside the Islamic Republic of Iran.

E. Democracy

64. The Special Representative would note two prospective events in this regard. The first is the 23 October election on a universal suffrage basis of the Council of Experts, the body that under the Constitution is responsible for selecting the Supreme Leader and, by implication, removing him. Senior Iranian officials state that in recent years a 15-member commission of the Council charged with monitoring and advising the Supreme Leader has come to play an active role in the governance process. The second event is the prospect of the implementation for the first time of the constitutional provisions for local elected councils at the village, city and provincial levels.

VIII. Conclusions

65. On several occasions in the past, the Special Representative has drawn attention to the need for greater tolerance on the part of the Government of the Islamic Republic of Iran towards its own citizens. Certainly, this view appears to be shared by President Khatami as reflected

in his public statements. In a speech at the end of July to the heads of education departments in the country, the President declared that a religion that respects man first respects his freedom, "a divine right of human beings". Later the same week in a ceremony at IRNA the President was quoted as saying "I am trying today to defend people's rights on the basis of religion and freedom. We must defend the rights of an individual who does not even recognize my religion." It is difficult to doubt that these aspirations are sincerely felt but, as this report seeks to suggest, a tolerant society is still very much a work in progress. The general goals that the Islamic Republic of Iran should have before it in this regard were most recently reiterated by the Commission on Human Rights in its resolution 1998/21 entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", adopted 9 April 1998.

66. In this report, the Special Representative identifies most of the areas he believes to be critical for the attainment of the declared goals of the President of the Islamic Republic of Iran. As noted, some quantifiable progress has been seen in some of these areas; in others, progress is not so evident, at least to an observer outside the country. While determined efforts are being made by the executive in the area of freedom of expression, for example, the same efforts are not evident with regard to the status of women. Measurable efforts to improve the legal system are only just beginning. The condition of religious and ethnic minorities must have a place in the agenda of the Government.

67. The Iranian tendency towards violence does not facilitate – nor does the frequent use of national security as a basis for derogating from basic rights of the individual – the mutual respect that is inherent in a tolerant society. Somehow two sets of values must be brought into a degree of balance reflecting the rights of the individual on the one hand, and the rights of society and the State on the other. The prevailing level of violence in the Islamic Republic of Iran confirms that this balance has yet to be achieved.

68. In short, the Special Representative believes that a will exists on the part of many leaders in the Islamic Republic of Iran to move the society towards a more tolerant and more peaceful condition. The obstacles to be overcome in achieving this goal are very evident and success is by no means assured. In the meantime, significant violations of human rights continue. The Government needs to broaden its agenda for change and to declare a strong commitment to achieving certain goals within specified time-frames.

Notes

[a] General Assembly resolution 34/180, annex.

[b] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August–3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

[c] Francisco Capotorti, "Study on the right of persons belonging to ethnic, religious and linguistic minorities" (E/CN.4/Sub.2384 and Add.1–7), 30 June 1997.

Appendix I

Freedom of expression

1. In February, it was reported in an Iranian newspaper that the clerics court had sentenced Abolfazi Moussavian, editor of *Nameyeh Mofid*, to one year in prison on charges of publishing and propagating false information.

2. In March, a foreign wire service reported that Iranian publisher Akbar Ganji had been sentenced to one year in prison after being found guilty of publishing false news in the monthly *Rah-e No*. Ganji had denied the charges and demanded a jury trial open to the public. Ganji was subsequently released. In May, a foreign wire service reported that Fereydoun Verdinejad, the Director-General of IRNA, had been summoned to answer unspecified charges before the press tribunal.

3. In July, the Tehran English-language press announced that the Press Council had issued permission for the appearance of 13 new publications.

Appendix II

Situation of the Baha'is

1. In his last report to the Commission, the Special Representative had drawn attention to the case of Mansour Haddadan. The Permanent Mission of the Islamic Republic of Iran to the United Nations responded that he had been "arrested on charges of organizing unauthorized and illegal meetings and acting against national security. In accordance with due process of law, he was tried by a competent court and benefited from a defence lawyer. The court found him guilty of the charges and he was sentenced to five years' imprisonment. The verdict was also reaffirmed by the court of appeal of Khorassan Province".

2. The Special Representative has received information indicating that verdicts were reached by the Court of Appeals in Khurasan on 18 September 1997 concerning the cases of two Baha'is, Jamali'd-Din Hajipur and Mansur Mihrabi, referred to in his report to the Commission. The joint verdict of the Appeals Court, dated 18 September 1997, affirmed the lower court finding of guilt on grounds that the Baha'i faith constituted an illegal organization which posed a threat to the internal security of the Islamic Republic of Iran.

3. On 27 July 1998, the Special Representative wrote to the Minister of Foreign Affairs to express his regret over the reported execution of Ruhu'ullah Rawhani, a Baha'i from Mashad, in relation to charges of having converted a woman to the Baha'i faith. He also expressed his concern about the three other Baha'i citizens detained in Mashad, Ata'ullah Hamid Nasirizadih, Sirus Dhabini-Muqaddam and Hidayat-Kashifi Najabadi, who had been sentenced to death. The Special Representative drew the attention of the Government of the Islamic Republic of Iran to its obligations pursuant to article 6 (2) of the International Covenant on Civil and Political Rights,[a] which provides that the death penalty may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. The Special Representative also expressed his concern that the religious beliefs of the accused may have been a persuasive factor in the eyes of the court, and may have prevented the accused from receiving a fair trial according to international human rights standards. The Special Representative referred also to the obligations incumbent upon the Government concerning the right to fair trial as set out in article 14 of the Covenant, and requested the Government's urgent intervention to ensure that the reported death sentences would not be carried out. The Special Representative requested the Government not to allow the imposition of the death penalty without due legal process in full conformity with international human rights standards.

4. It appears that pressures on Baha'is from the judiciary have increased. Neither Baha'i marriage nor divorce is legally recognized in the Islamic Republic of Iran, and the right of Baha'is to inherit is denied. The freedom of Baha'is to travel outside or inside the Islamic Republic of Iran continues to be impeded by Iranian authorities or has been denied altogether.

Notes

[a] See General Assembly resolution 2200 A (XXI), annex.

Appendix III

Correspondence between the Government of the Islamic Republic of Iran and the Special Representative, January–August 1998

1. During the reporting period, correspondence between the Special Representative and the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva was exchanged, some of which concerned requests for information about individual allegations. The Special Representative appealed to the Iranian Government to ensure that those affected benefited from all the internationally recognized safeguards, particularly those provided for in the International Covenant on Civil and Political Rights[a] or other relevant international human rights instruments, for example, the Convention on the Rights of the Child[b] and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).[c]

2. With regard to specific cases, the Special Representative received a letter dated 28 May 1998 from the Permanent Mission of the Islamic Republic of Iran to the United Nations providing information on six persons referred to in the Special Representative's report to the Commission on Human Rights (E/CN.4/1998/59 of 28 January 1998). The Special Representative noted that Kalimollah Tohid, a well-known Kurdish scientist and writer, had been arrested in Mashad and that nothing further had been heard of him. In its letter of 28 May 1998, the Permanent Mission informed the Special Representative that Mr. Tohid had been sentenced to one year's imprisonment by the Court in Mashad on 15 October 1997 for falsification but that on 19 February 1998, he was pardoned and released.

3. In a section of his Commission report dealing with the treatment of religious dissidents, the Special Representative referred to the treatment of certain dissident Shia clerics, mainly in Qum, and drew attention to information he had received that two further supporters of Grand Ayatollah Shirazi, Syed Aref Nassrollah and Theqatol Islam Bagirzadeh, were arrested in Qum on 15 October 1997 by agents of the clergy courts. The Permanent Mission in its 28 May letter stated that:

> "Mr. Syed Aref Nassrollah was arrested on charges of smuggling 2,000 handwritten old books out of Iran, assisting people to leave the country illegally, and using a fake car plate. He was later released on bail on 6 September 1997. His case is under consideration."

4. The Special Representative also raised the issue of torture, and cruel, degrading and inhuman punishment in connection with a number of sentences ordering the amputation of fingers of persons found guilty. In particular, the Special Representative drew attention to reports in *Salaam* that, in September 1997, Branch 12 of Tehran's General Court had sentenced one Gholam Hossein to have four fingers amputated for stealing 28 cameras and camera equipment. The Special Representative referred also to reports of September 1997 in Jomhouri-Islami that Gotvand General Court had sentenced Asghar Ghasemi and Farhad Heidari to have their hands amputated for robbery and forgery. In its 28 May letter, the Permanent Mission of the Islamic Republic of Iran to the United Nations indicated that the sentence of Mr. Gholam Hossein had been rescinded on grounds that the owners of the stolen goods did not pursue their case. The letter indicated that Asghar Ghasemi and Farhad Heidari had appealed and "subsequently their cases have been sent to the Supreme Court for review".

5. On 25 August 1998, the Special Representative addressed the Minister of Foreign Affairs concerning the arrest of Iranian scholar Hojatoleslam Sayyid Mohssen Saeidzadeh.

According to information received by the Special Representative, Mr. Saeidzadeh had been arrested at his home by three plainclothes security officers who did not present a warrant and placed him in incommunicado detention. He was not provided with access to a lawyer or an opportunity to inform or meet with family members. Neither were criminal charges brought against him. According to the Islamic Human Rights Commission, a case was being prepared against Mr. Saeidzadeh in a special court for the clergy.

6. In his letter of 25 August, the Special Representative referred to article 9 (1) of the International Covenant on Civil and Political Rights, which provides, *inter alia*, that no one shall be subjected to arbitrary arrest or detention, and to article 9 (2) of the Covenant which guarantees to anyone placed under arrest the right to be informed, at the time of the arrest, of the reasons for his arrest and to be promptly informed of any charges against him. He further reminded the Government of its obligations under article 9 (4) of the Covenant which provides that anyone deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court of law in order that that court might decide without delay on the lawfulness of his detention and order his release in any case where the detention proves unlawful.

7. The Special Representative also drew the Government's attention to article 14 of the International Covenant on Civil and Political Rights which provides for a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as for the accused to have the right to benefit from the services of a lawyer of his own choosing. Moreover, he expressed his deep concern that, based on the information available to him, Mr. Saeidzadeh's arrest appeared to have been related not to criminal activity, but to his intellectual endeavours and publicly expressed opinions. If this was indeed the case, his arrest would constitute a breach of article 19 of the Covenant, which guarantees the right to freedom of expression, including freedom to seek, receive and impart information and ideas of any kind. Furthermore, the Special Representative requested that the Government provide any information that it could on this case, including on any steps taken by the competent authorities to guarantee Mr. Saeidzadeh's rights to liberty and security of person in compliance with the provisions contained in the relevant international legal instruments.

8. The Special Representative continues to be concerned about the infrequency of responses from the Government and has raised the problem with the Iranian authorities with a view to improving cooperation in this area.

Notes

[a] See General Assembly resolution 2200 A (XXI), annex.

[b] General Assembly resolution 44/25, annex.

[c] General Assembly resolution 40/33, annex.

United Nations A/53/424

General Assembly

Distr.: General
23 September 1998

Original: English

Fifty-third session
Agenda item 20 (b)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

International cooperation and coordination for the human and ecological rehabilitation and economic development of the Semipalatinsk region of Kazakhstan

Report of the Secretary-General

I. Introduction

1. The Soviet Union initiated the Semipalatinsk nuclear testing range on 29 August 1949 by exploding a plutonium bomb. Tests continued in the Semipalatinsk test site, which came to be called the Polygon, for more than 40 years until the President of Kazakhstan closed the testing range by Decree No. 409 on 29 August 1991.[1] The explosion of over 500 devices within the Polygon profoundly damaged the communities in the Semipalatinsk region, which, even today, face a complicated web of hardship, linked to the testing of nuclear weapons, that destabilizes most aspects of their lives.[2]

2. Nearly 50 years after the first bomb was exploded the General Assembly recognized the seriousness of the situation in the Semipalatinsk region by adopting resolution 52/169 M of 16 December 1997, in which it called on the international community to assist the Government of Kazakhstan in its efforts to meet the needs of those affected by the history of the Polygon. The Assembly requested the Secretary-General, in cooperation with interested Governments and relevant organizations and agencies to compile a report on the humanitarian situation in the Semipalatinsk region in order to assist the Government of Kazakhstan in the formulation of a recommended overall action plan to address the humanitarian, ecological and economic problems and needs of the region.

3. The present report has been compiled pursuant to General Assembly resolution 52/169 M and reflects the findings of a joint mission of the United Nations, the Government of Kazakhstan and other participants from the international community, which was deployed from 15 to 30 June 1998 and which was charged, *inter alia*, with assessing the impact of the testing activities on the problems and needs of the people of the Semipalatinsk region in four areas, namely, the environment, health, economic recovery and humanitarian assistance.

[1] The boundaries of the test site – the Polygon – encompass the Semipalatinsk Departments of East Kazakhstan Oblast (54 per cent), Pavlodar Oblast (39 per cent) and Karaganda Oblast (7 per cent).

[2] The Semipalatinsk region refers here to all the areas affected by the nuclear testing programme: Semipalatinsk and East Kazakhstan (Ust-Kamenogorsk) and the Departments of East Kazakhstan Oblast, Karaganda Oblast and Pavlodar Oblast.

98-27978 (E) 201098

II. Background

4. During 40 years of testing, the equivalent of 17,400,000 tons of TNT were exploded in the 18,500 km^2 Polygon. Between 1949 and 1963 all 116 tests were undertaken at atmospheric and ground levels. In 1963 the tests went underground when the Soviet Union signed the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (5 May 1963). The impact of those tests would include the creation of Lake Balapan, the "atomic lake", and the release of radioactive gases into the atmosphere. Overall the tests increased radioactive contamination on a local and regional scale. In addition, the underground testing disturbed ecological relationships accelerating the desertification that is evident in the area today.

5. The health of the population would also be affected by the testing. Local, descriptive studies attribute a variety of illnesses, including cancer, to the radiation that followed the tests. However, the real impact of the Semipalatinsk nuclear testing ground on the people of the Semipalatinsk region involves more than the effects of exposure to radiation immediately following a test.

6. Regarding the affected population and, according to the Law on Social Protection of the Citizens and Victims of the Semipalatinsk Nuclear Test Site, issued on 18 December 1992, the Republic of Kazakhstan recognizes that 1.6 million persons received radiation as a result of activities in the Polygon. The original figure has been reduced to 1.2 million people as of 1998, through birth and death rate differentials and emigration. The remaining 1.2 million people continue to live in East Kazakhstan (1,100,000), the Karaganda Oblast (48,000) and the Pavlodar Oblast (52,000). In the 1992 law, the Government identified approximately 67,000 persons living in 19 villages in four *rayons* (townships) as having received the heaviest radiation with a dose of more than 1 sievert (Sv), with the maximum dose found in this group of about 2.8 Sv. About 27,000 from this group survived, together with 39,600 of their second generation and 28,900 of their third generation offspring, bringing their extended family total number to 103,500 people. These people live in the *rayons* in immediate proximity to the Polygon.

7. During the lifetime of the test site, the Semipalatinsk region became heavily dependent on economic activities associated with the nuclear testing ground. As many as 400,000 people were involved in the functioning of the test site when it was fully operational. Analysis of the effects of the Semipalatinsk testing ground must reflect the overall context of the dissolution of the Soviet Union and the massive shrinkage of the economy of the Semipalatinsk region. While recorded unemployment for the Semipalatinsk region is 6.4 per cent, real unemployment is approximately 50 per cent higher than the average for Kazakhstan; tax bases have shrunk drastically; social services are faced with greater numbers of the needy and fewer resources to support them; and the Government is facing challenging economic reform. The rapid economic deterioration, its technological nature and remarkable duration all combine to make the crisis in the Semipalatinsk area unique.

8. The Government of Kazakhstan took immediate steps to ensure its support for the proper implementation of resolution 52/169 M by establishing, early in 1998, a Governmental Inter-Ministerial Committee to address the issues related to the Semipalatinsk region. The Committee includes representatives from the Ministries of Foreign Affairs, Ecology and Natural Resources, Defence, Labour and Social Protection, Education, Culture and Health, Science and Planning and the Agency for Strategic Planning, the East Kazakhstan Oblast, the National Nuclear Centre and two non-governmental organizations (Nevada-Semipalatinsk and Polygon-29). The United Nations Development Programme (UNDP) took action by (a) taking the initiative to invite formation of United Nations inter-agency task forces at the field and Headquarters levels, and (b) deciding to try to field a joint United Nations and Government expert mission. Following approval of the UNDP Crisis Committee, financing of those activities and the resulting action plan was obtained through the special UNDP funds available for countries in special development situations, in addition to in-kind contributions from United Nations agencies, interested member States and non-governmental organizations, and in-kind contributions from the Government of Kazakhstan. The United Nations Headquarters Task Force consisted of representatives of the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs, the International Labour Organization (ILO), the International Atomic Energy Agency (IAEA), the United Nations Industrial Development Organization (UNIDO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and UNDP, and the field-level Task Force consisted of all United Nations agencies represented in Kazakhstan. These task forces initiated the necessary collaboration and coordination between agencies, assisted in the identification and fielding of experts and provided substantive inputs to the process.

9. In order to develop a comprehensive understanding of the problems and needs of the population of the Semipalatinsk region and pursuant to resolution 52/169 M,

more than 20 international experts in the areas of radiation, health, economic recovery, ecology and humanitarian assistance were brought in with the assistance of Member States (Japan, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America), United Nations organizations (IAEA, UNDP, UNESCO, United Nations Population Fund (UNFPA), UNICEF, UNIDO and WHO) and international non-governmental organizations (Counterpart Humanitarian Assistance Partnership, National Radiological Protection Board and General Board of Global Ministries of the United Methodist Church). These international experts collaborated with a group of between 25 and 50 national experts from the Government and non-governmental organizations. The experts were deployed for two weeks, beginning on 15 June, to analyse the situation in their respective sectors and contribute to the preparation of the overall action plan for review by the Government, and the results were summarized at a workshop held at Almaty in June 1998.

10. Guided by its terms of reference, resolution 52/169 M and relevant laws of Kazakhstan the mission compiled its findings aiming to (a) analyse the scope of the problem; (b) identify priority needs; (c) develop strategic responses; and (d) propose concrete projects. Information and data were principally drawn from five sources, namely, documents prepared by national officials and specialists; in-depth discussions with counterparts; site visits to critical locations in and around the city of Semipalatinsk and Kurchatov town; interviews with the affected population; and exchange of views within the mission. Because the team worked primarily in the vicinity of Semipalatinsk city and Kurchatov town the geographical area covered was not exhaustive. However, steps were taken to ensure the participation of representatives from areas of the Semipalatinsk region that were not visited, including Pavlodar and Karaganda.

11. At the termination of the fact-finding stage of their work, the mission prepared preliminary strategic recommendations and corresponding proposals for activities in the four sectors under review. These findings were then tabled at the workshop of 60 persons held at Almaty on 29 and 30 June 1998, which brought the mission together with national and international experts. The workshop reviewed and revised the findings and proposals of the mission and produced agreed upon documents, reflecting the review process, in each sector. The agreed findings and proposals formed the substance of the draft overall action plan addressing the ecological, health, economic and humanitarian problems and needs of the Semipalatinsk region. The mission report, together with a draft action plan, was then submitted for Government review at a meeting of the Inter-Ministerial Committee on 3 July 1998.

12. The methodology used during the mission attempted to take full advantage of the cross-sectoral and comprehensive nature of its terms of reference and expertise. The following aspects notably affected the methodology of the mission:

(a) Particular recognition was given to the fact that this is a region in crisis. While bearing many of the characteristics of a slow onset disaster, the situation is complicated by the rapidity of the area's economic deterioration following the closing of the test site, by the technological elements of today's crisis and by the remarkable duration of the events that brought the region to its present state.

(b) The mission took a strategic, programmatic approach, differentiating between the short-term and medium-term high-impact needs, and the longer-term issues with a more public investment character.

(c) The process was selective, emphasizing feasible ideas and proposals. Cost-effective, immediate impact interventions were preferred. The mission took special account of the experience from past and ongoing interventions by Government and the international donor community, both in terms of lessons learned and in terms of balancing remaining needs.

13. The main findings of the mission, summarized below, are treated at greater length in the annex, which is an integral part of this report.

III. Situation in the Semipalatinsk region

14. In each sector, the impact of testing was examined, the larger context is described and priority actions were identified. While each of the four sectors are presented individually, there is a clear relationship between the different strategic responses being proposed, with four major themes characterizing all proposals, namely, utilizing the wealth of human resources already available in the Semipalatinsk area through capacity-building; improving all aspects of assessment and analysis related to this very complex crisis, in order to develop optimal strategies; targeting asset transfer and investment towards those activities that are likely to be sustainable and have the greatest impact for value; undertaking information dissemination to ensure that affected communities are fully

informed of the situation and strategies for improving their lives.

A. Environment and ecology

15. The impact and after-effects of activities in the Polygon on ecology, environment and agriculture were significant. The testing of weapons resulted in serious damage inside the Polygon, including the loss of agricultural land, destruction of landscape, ecosystems and traditional ways of life. The concerns of local communities were exacerbated by the absence of a monitoring and public information dissemination system, particularly relating to natural environments, drinking water, foodstuffs and other agricultural products.

16. While a lack of environmental records makes it difficult to estimate the full scale of the damage resulting from the tests and related activities, there is a body of knowledge on the current ecological effects of the testing. At least 4,500 km^2 of land within the Polygon is reported to be contaminated by caesium 137 and strontium 90, beyond the legal standards of Kazakhstan. There is also evidence of significant contamination by caesium and strontium of soil, rocks and hydrosphere at several locations within the boundary of the Polygon, including the Chagan and Ashi-su Rivers, Lake Balpan and other water bodies within the testing area.

Priority needs

1. Developing a comprehensive land-use strategy

17. The first obligation to communities in the Semipalatinsk test site territory is to protect them from harm and risks related to the test site. This will require the development of an understanding of the full radiological conditions and a strategy for addressing them. When this strategy is determined, community-based management mechanisms will be required to ensure that land-use decisions are respected.

18. Radiation safety must be central to any land-use strategy for the Polygon. Many sites are contaminated by caesium, strontium and other radioactive elements, while contamination by plutonium is still largely unstudied. Economic activities on contaminated lands can lead to increased risk of exposure of people. It may also be that products obtained at the test site are radioactively contaminated. Therefore projected economic uses of the site should be based on the results of a radiological assessment. Studies and assessments are required for a full understanding and identification of significant environmental problems associated with the test site. Monitoring of the radiological situation should be part of an assessment programme that defines subsequent monitoring activities.

19. No land-use strategy will be effective without community cooperation and appropriate enforcement. The issues of radiological safety and environmental sustainability should not only be scientifically researched but also be translated into an enforceable land-use code, and adequate implementation measures such as demarcation of the land and fencing. Community involvement in land-use management is essential because the capacity of authorities to enforce the regulations will always be limited. Citizens of the affected territories, especially schoolchildren, should be better informed about the risks associated with radioactive contamination and the commonly available safe practices. In this way, fear of underground radiation will be reduced, safer practices will be introduced and the confidence of the local population in their ability to control risks will be strengthened.

2. Dissemination of information

20. Public dissemination of information will be crucial to a successful environmental programme, not least because one result will be an improvement in the system of environmental information management by government agencies. This improvement will, in turn, expedite the reform of current practices of storing, analysing and disseminating environmental information and establishing better information exchange both within the region and internationally.

3. Direct environmental protection

21. Communities also require direct assistance to recover essential elements of rural infrastructure, particularly water supply systems, and to address outstanding environmental hazards. These include an environmentally significant spill of aviation fuel at the airport which used to service the test site, which needs to be cleaned up.

B. Health

22. In discussing the impacts of the testing on the health of the population in the Semipalatinsk region, a distinction must be made between direct and indirect effects. With respect to direct effects, an additional distinction must be drawn between those who were affected during the atmospheric and surface tests, those who lived on

contaminated lands during and after the tests and those born to individuals who meet both of the first two criteria. The direct effects of radiation include cancer. The high levels of exposure received at the time of the above-ground testing of nuclear devices may well have led to a number of these effects, in particular, a statistically significant increase in the incidence of cancer over many years in the most highly exposed. The evidence so far would indicate that the current levels of exposure will not result in any detectable increase in cancer incidence. It is necessary, however, to consider future exposure due to changes in the use of the test site.

23. Indirect health effects include a variety of somatic conditions and a serious psychosocial impact associated with a lack of understanding of the radiological conditions of the test site and the surrounding area. These effects are connected to the closure of the test site and related political and economic events, including those which have seen the health care system deteriorate to the point where insufficient financing has left most hospitals and ambulatory care poorly staffed and buildings badly lacking in maintenance. There is infrastructure in place but equipment and resources for running costs are lacking. This is reflected in the shortages of medicines, inadequate equipment, poor diagnostics and outmoded treatments found in the region's medical facilities.

Priority needs

1. Research and assessment

24. An assessment of medical and sociological problems in the region should address both cancer and non-cancer issues as well as other health conditions such as cardiovascular disease and overall concern for immune suppression. Information-gathering exercises should also include discussions of perceptions of threat and "radiophobia". This assessment will form the basis for interventions at all levels, in urban and rural areas. Such a registry would be most effective as a cooperative resource that can be accessible to all appropriate organizations in Kazakhstan.

2. Addressing somatic pathologies: health care

25. A variety of non-cancer conditions are of concern to the local medical community, including circulatory, digestive and respiratory diseases, endocrinologic, gynaecologic, non-cancer blood diseases and cataracts. There is also special concern in the Semipalatinsk region about weaknesses and ailments of the immune system. This issue is particularly important given the widespread incidence of hepatitis A and B and tuberculosis in the area. Reducing the prevalence of anaemia is also of concern to the general population. Additionally, psychosocial health issues present a unique challenge in the region. Mental health care is curative in approach, with an emphasis on mental illness and behavioural abnormalities. Mental health promotion and preventive aspects of mental health are a low priority. As a result, prevailing strategies applied to psychosocial issues fail to address problems in their entirety.

3. Oncology: early diagnosis and treatment

26. A historical lack of health screening programmes has created a serious gap in the ability to detect health problems early. Currently increases in breast cancer, for example, are being documented in the affected population. Unfortunately, the majority of cases are being diagnosed at a later stage when treatment is most costly and least likely to be successful. Furthermore, treatment options are limited primarily to surgery and radiotherapy, owing to the lack of access to chemotherapeutic resources. Unfortunately, even the current radiotherapy units available rely on equipment that is between 30 and 40 years old.

4. Dissemination of information

27. It is also essential that a capacity be established to inform the public of all relevant developments and findings in the health sector as well as to utilize research undertaken in the region by national and international groups.

C. Economic recovery

28. Because the test site was located in a sparsely populated area, the immediate effects of radioactive pollution on employment have been relatively modest and have largely been limited to agriculture. More fundamentally, the establishment and operation of the test facility distorted the local economy in ways which made it exceptionally vulnerable to the far-reaching external changes which have come about since 1991. The break-up of the Soviet Union meant that the test site territory, which had previously been at the geographical centre of a market of 340 million people, suddenly found itself on the margins of a market of 17 million. The collapse in orders from the Soviet defence forces destroyed the viability of whole industries in the area, including major plants producing food and uniforms for the army. This in turn undermined the viability of local suppliers, including much of the farm sector.

29. The prospects for economic recovery are further complicated by the historical relationship between government and the enterprise sector, which is inappropriate

for the emerging market economy. Bureaucracy and the taxation system pose a heavy burden, while the structures which exist in mature market economies to support business activity are lacking. The absence of a developed and competitive financial system means that credit is costly and hard to obtain for businesses that are small, or operating in high-risk areas such as agriculture. Economic recovery at the local level is also impeded by the long history of isolation from the outside world of the Semipalatinsk region. Even by post-Soviet Union standards, the network of external contacts which are crucial to the operation of a dynamic market economy is almost entirely lacking.

Priority needs

1. Building local leadership

30. Economic development is inherently medium-term and long-term in focus. In the test site territory, the extent and structural nature of poverty means that outside intervention alone will never resolve the problems. The task of building local capacity to promote economic recovery is therefore urgent. Highest priority should be given to developing the capacity of the local community to construct and carry out effective and locally appropriate economic development strategies based on current opportunities. The object is to assist local communities to take a more proactive and strategic approach to business development, employment and wealth creation, by assisting local actors to draw on experience in market economies and the other parts of the former Soviet Union.

2. Skills and resources

31. A number of horizontal initiatives addressing needs in all sectors are also required. Here too, the underlying rationale is to build capacity and address priority needs in the local economy. Three areas must be addressed, namely, the establishment of a loan facility for small and medium-sized business and a credit scheme for agricultural producers; an energy-saving initiative; and an initiative to increase the availability and improve the quality of training in the Semipalatinsk region.

3. Focused projects

32. Although the nuclear issue has generated extensive contacts in fields of nuclear safety and medicine, international business interest in Kazakhstan has largely ignored the communities adjacent to the test site. Without the attraction of oil or gas, positive efforts are needed to explore new markets, to overcome the negative associations of the Semipalatinsk test site territory and to promote the area to the international business community in a positive light, as well as bring in revenue.

D. Humanitarian assistance

33. There is an alarming dynamic at work in the Semipalatinsk region, where people who some years ago were capable and contributing citizens are now joining large numbers who have fallen between the cracks, who are unable to support families, or provide for their own most basic needs and who can no longer turn for support to a Government in the midst of difficult economic reforms.

34. While the number of those who were not able to provide for themselves grew, those organizations and Government bodies that were designed to respond to just such needs were struggling with new reforms and economic policies. As a result social service institutions were closed, entitlements were frozen, budgets for social service institutions were only partially disbursed and transportation services deteriorated. The result has been a society struggling to care for the growing number of those who cannot care for themselves, while facing serious structural obstacles to doing so.

Priority needs

35. Following discussion with government counterparts and experts in the area of social protection and humanitarian assistance, the following groups were identified as particularly vulnerable and requiring assistance: disabled adults and their families, disabled children and their families, isolated elderly pensioners, institutionalized adults, institutionalized children, orphans living with foster families, poor families with five or more children, single female-headed households, women of child-bearing age, adolescents of both sexes, street children, homeless adults, prisoners and ex-prisoners. Each of these groups are seen in terms of their households, not as individuals.

1. Distribution of humanitarian supplies

36. In the short term, those vulnerable persons currently under institutional care require material support, including food, domestic and non-food items and medical supplies. Vulnerable households, as defined above also require immediate short-term assistance, in the form of food and non-food distributions.

2. Support for existing institutions and civic action

37. In a medium and long term, complementary action, entitlements, allocations and disbursements relating to social services should reflect the reality of the day. In addition, local government structures and those individual institutions that have lost some budgetary support would be greatly strengthened if they were able to generate the revenue required to meet the needs of their constituencies as well as to cover shortfalls resulting from budget cuts.

38. These actions will be fortified considerably by the strengthening of local non-governmental organizations and community-based organizations.

IV. Concluding observations and recommendations

39. In response to General Assembly resolution 52/169 M, a comprehensive mission was fielded under the joint leadership of the Government of Kazakhstan and the United Nations. The mission made the following concluding observations and recommendations:

(a) The assessment that was carried out confirmed that the long-term activity at the test site has had severe, long-term effects for a large group of people, far beyond those directly and individually affected by the radiation. The mission revealed the compelling needs of people who were affected during the testing and continue to be at risk in the future.

(b) Because of the longer-term effects of the radiation as well as of the wider consequences of the activity at the test site and its cessation, the population in the region was left exceptionally vulnerable to the economic, ecological and social consequences of the transition following the collapse of the former Soviet Union.

(c) Consideration should be given to the desirability of follow-up actions with assistance from Member States that would address the urgent needs identified, while building upon results from the specific assistance provided so far by some donors.

(d) Further assistance should take into account the comprehensive needs assessment carried out by the mission, in order to maximize impact through a structured, prioritized and coordinated approach.

(e) A consultative process in the form of a meeting or conference between Member States and with the participation of United Nations agencies should be considered to seek to mobilize the necessary support for actions proposed in this report and its annex.

(f) The United Nations should assist the Government of Kazakhstan to establish an adequate coordination mechanism for the planning and implementation of future and ongoing assistance.

Annex

Situation assessment and priority needs in the Semipalatinsk region and nuclear weapons testing site

Introduction

1. As indicated in the main body of the report, in compliance with General Assembly resolution 52/169 M, an expert team has intensively examined the consequences and needs arising from one of the twentieth century's most sustained assaults on human settlement and the surrounding environment: two generations of nuclear testing in the territory of what has been the Republic of Kazakhstan since 1991.

2. The present annex, a succinct summary of the comprehensive findings of the joint mission, is intended to supplement and complement the Secretary-General's report; they should be considered together. The history of the testing programme, general description of its impact, the institutional arrangements and process to implement resolution 52/169 M can be found in the main body of the report. This annex focuses on the actions proposed as a result of the testing, actions to address environmental, health, economic recovery, and humanitarian needs, as well as a fifth, cross-cutting, need for dissemination of information. The annex reflects an overall action plan whose components and projects have been structured and carefully prioritized from a larger pool of proposals.

3. First priority has been given to those needs of greatest urgency and impact on the affected populations, and which will prevent further risk to the region. Second are those other essential needs meriting priority action as soon as possible. Third are needs which the expert team concluded must be retained for action. In this regard, several of the most important and pressing priorities for action are expected to be implemented over three to five years, beginning with a high-impact first phase to address the most urgent humanitarian needs or radiation risks.

4. The assessment and projects proposed by the mission have been discussed extensively by more than 60 specialists from United Nations organizations and the specialized agencies, the Government of Kazakhstan, and other technical experts from Kazakhstan and the international community. The specialists were engaged in field work and consultations in the Semipalatinsk region from 15 to 28 June 1998, and an intensive review workshop was held at Almaty on 29 and 30 June, where priorities and a consensus were again considered and reaffirmed by a larger group of specialists. They included persons with expert knowledge of the nuclear programmes and radiation consequences in Japan and the United States of America and at Chernobyl. Further consultations tightened the assessment and resulted in a broader concordance and consensus about priorities.

5. The projects that respond to priority needs in the five sectors are briefly described, and the corresponding cost estimates are indicated. The cost estimates amount to approximately US$ 33.7 million for first priority projects (projects marked ***); $6.5 million for second priority (**); and $3 million for third priority (*). The approximate breakdown of estimated amounts according to teams is as follows: health, $24 million; ecological, $7.8 million; economic, $6.6 million; humanitarian, $3.3 million; and information, $1.3 million.

6. Comprehensive project plans with timelines and budgets were formulated in sectoral reports, which served as the basis for this annex. Summaries of the priority projects will be finalized and made available to the international community prior to the donors' conference which is to be convened in 1999.

Sectoral assessment and priority needs for rehabilitation

7. The difficulties facing the people of the Semipalatinsk test site territory are complex and interrelated. The Semipalatinsk test site territory refers to all the areas affected by the nuclear testing programme, namely, Semipalatinsk and East Kazakhstan (Ust-Kamenogorsk) and the Departments of East Kazakhstan Oblast, Karaganda Oblast and Pavlodar Oblast. The testing of nuclear weapons combined with new political developments to ravage the area's ecology, damage its health in ways that are not yet completely understood, cripple its economy and create serious humanitarian and social service needs. The testing contaminated water and land, shrank the economy, forced an emigration of wage earners and left behind the vulnerable and the sick that a weakened state structure could not support. Any approach to the problems of the territory must understand these relationships.

8. The proposed actions build upon the following basic principles:

Prioritization. Activities that will have the greatest positive impact on the most needy must be undertaken first. Urgency and feasibility must be taken into account. This priority principle will determine the order of projects.

Risk reduction. Activities for avoidance of further radiation exposure and ecological deterioration constitute an important parameter in setting priorities.

Sustainability. Activities must be planned and implemented to exist beyond the period of external support.

Appropriateness. Activities must be of suitable scale, acknowledging that some projects can be highly cost-effective with an initial small, rapidly implemented phase. Technologies and approaches should be effective for the local communities.

Full access. Activities should be planned and implemented so that as many people as feasible who meet criteria to participate are able to do so without having to pay a cost which causes further hardship.

Coordination. All activities must be planned and implemented in a complementary fashion. Resources from national and international origins should be coordinated to optimize effectiveness and impact.

I. Environment and ecology

A. Developing a comprehensive land-use strategy

Full radiological evaluation of the Semipalatinsk test site polygon – $3,500,000 (***)/5 years[a]

9. Radiation safety must be central to any land-use strategy for the Polygon. An adequate examination of the radiological situation and conditions and a strategy for action are required. Economic activities on contaminated lands can lead to increased risk of exposure of people to radiation. It may also be that products obtained at the Semipalatinsk test site are radioactively contaminated. Therefore projected economic use of the site should be based on the results of a definitive radiological assessment, which is required for a full understanding and identification of the most significant environmental problems associated with the site.

Sustainable land-use strategy for the Semipalatinsk test site – $600,000 (**)/1.5 years

10. Today, use of the Polygon is not adequately controlled. All activities in and around the test site require Government approval, but unauthorized activities do occur, especially unsanctioned grazing and cultivation. There is also significant pressure to open the Polygon completely for economic use, not least because of the presence of mineral deposits (coal, gold and wolfram) in sections of the test site.

11. A land-use strategy must be designed to develop economic potential and ensure environmental sustainability. Exploration and use of the natural resources of the Polygon should not irreversibly affect its fragile ecosystems, while grazing and other agricultural activities should not exceed the capacity of the land. Mining should not result in leaving the land unsuitable for further uses.

12. Community-based management mechanisms will be required to ensure that land-use decisions are respected and observed. Thus, local communities will acquire the capacity to make informed choices and to participate more fully in decision-making and enforcement procedures.

Environmental monitoring – $900,000 (**)/2.5 years

13. An environmental monitoring system should be created on the Semipalatinsk test site and other affected territories in order to control the dissemination of radionuclides and safety measures. Monitoring of the radiological situation should be ongoing and technically adequate. Local research institutions and regulatory agencies should be enabled to undertake this type of monitoring, thus contributing to improved protection of local populations and to a better understanding of environmental problems.

Evaluation of landscape and biodiversity dynamics – $200,000 (*)/1.5 years

14. The Semipalatinsk test site is a unique site because of its history of nuclear explosions. Major changes in flora and fauna are of interest to the world scientific community because they may improve the understanding of the pathways and effects of radionuclides on ecosystems.

[a] This evaluation should build on the preliminary assessment conducted by IAEA in 1994. The early phase of the programme will be to provide the necessary training and equipment for staff who will be undertaking the measurements. The initial stage may be combined with other relevant projects, such as information, education and communication projects for training.

B. Direct environmental protection

Access to safe water – $700,000 (***)/2.5 years

15. A number of the critical needs of communities in the affected territories exceed their economic resources. Access for rural communities to safe water of adequate quantity and quality is central among these needs and can be achieved by direct investment in the rural water supply infrastructure. In order to ensure sustainability of the project, communities should be involved in choosing their water options and siting water points, contributing labour to installing water supply facilities, and establishing organizational and economic mechanisms for long-term maintenance.

Air base fuel clean-up – $1,900,000 (***)/1.5 years[b]

16. Another extremely important objective is to remove the aviation fuel spillage at the military air base that served the Semipalatinsk test site. The Irtysh River is threatened with contamination by this massive spill. The possibility of contaminants travelling to neighbouring countries such as China and the Russian Federation via the river internationalizes this potential threat. Resources and technical expertise available in the region are not sufficient to resolve the problem. Assistance should be rendered to clean up the site and remove the risk of the contamination of the Irtysh River.

II. Health: assisting victims of radiation and the nuclear era

A. Research and assessment

Registry of epidemiological assessment of medical and radiological problems – $1,350,000 (***)

17. There is a need to establish a national registry of individuals that are included in the ultimate target population of the region. Such a record would be an important tool in a number of national, regional and local efforts to resolve the problems associated with the testing programme and its impact today. It must be a cooperative resource that can be accessible to all appropriate organizations in Kazakhstan. As such it should be maintained as a part of the proposed clearing house programme. Its functions will include collection, processing and provision of data. When created it will, among other things, permit the targeting of programmes of intervention so that they may reach specific groups at various degrees of direct risk and provide a mechanism for assessing outcomes of treatment.

Establishment of a clearing house – $1,200,000 (**)

18. Public health responses to the situation in the Semipalatinsk region have been hampered by debilitating resource shortages and absence of objective medical information. A resource centre (clearing house) should be established to utilize research undertaken in the region by national and international groups. This will allow for the analysis of existing results and for rationalizing further research. Such a distinct entity would also contribute to deeper understanding of both technical and non-scientific information which is potentially relevant and of interest for the world scientific community. In addition to making gains in the area of research, such a centre would play a role in maintaining the local tradition of professional excellence in the scientific field.

Population safety and disaster preparedness – $300,000 (**)

19. There is a potential risk of an emergency situation, taking into consideration the current use of remaining reactors, movement and storage of fuel, possible airborne transmission of plutonium, etc. A disaster preparedness plan should be formulated to prepare for such an emergency. An inventory list of all radionuclides, their activities, chemical composition and location should be created. Maps with contamination traces of radioactive plumes that resulted from nuclear tests and an assessment of any residual risk should be made available as soon as possible, and then routinely updated and distributed among government and civic groups.

B. Addressing somatic/psychosocial pathologies: improving health care

Primary health care facilities in Semipalatinsk, Kurchatov and other cities – $3 million (***)/3 years

20. There is a great need for properly functioning, cost-effective and integrated primary health care facilities. Health problems to be addressed include a number of non-cancer diseases: circulatory, respiratory, digestion, endocrine, gynaecological, blood diseases and cataract. The longer-term

[b] Water contaminated by aviation fuel is pumped from the acquifer, "skimmed", biologically treated and returned to the river; the waste kerosene/water mixture is either burned or safely disposed. Implementation may be undertaken by more than one donor, and may be phased accordingly.

consequences of weakened immune systems are of major concern to the physicians in the Semipalatinsk region. This matter becomes especially important considering the spread of hepatitis A and B and tuberculosis.

21. A full understanding of the relationship between somatic pathology and radiation exposure in the region must be promoted and supported. Early diagnosis, treatment and rehabilitation of population with post-radiation pathologies need to be carried out among affected groups. New information should be routinely incorporated into training programmes, including continuing and professional education. Programmes to develop diagnostic capacity should also be undertaken, including the modernization of equipment and increasing availability of reagents and other required consumable supplies to improve diagnosis and treatment.

22. Activities to promote better primary health care should build on the integrated, primary care oriented health reform programme that has been implemented in the Semipalatinsk region since 1995.

Community-based health programme – $5 million (***)/5 years

23. Prior attempts by the international community to train and sustain the effort to shift towards the primary care approach have been severely limited by lack of facilities to apply knowledge gained. Necessary human resources and basic infrastructures already exist in this unique region that was once the centre of nuclear technology: financial and technical assistance from the international community now will have catalytic effects in bringing the region back to sustainability.

24. A community-based health programme will facilitate capacity-building in small villages of 300 to 500 inhabitants. A community health worker will be selected from the local group and will be sent abroad for training to bring to the village knowledge and basic skills for personal health care. Community involvement has a special significance; it builds the capacity of local peoples, prolonging the effects of donor assistance beyond the period of external support.

Monitoring and treatment of women and children – $6,300,000 (***)/3 years

25. Women and children inevitably endure additional difficulties during periods of hardship. This is particularly true in the Semipalatinsk area. In addition to the health uncertainties unique to the general situation in the Semipalatinsk region, there are a number of other difficulties. There are more than two abortions reported for every birth in the region, where the birth rate is the lowest in the country (below 0.9 per cent in 1997). The prevalence of abortion is often attributed to fear of genetic abnormality in offspring. In addition, unwanted pregnancies are common among the very young and the very poor in the area. The unchecked spread of sexually transmitted diseases further complicates matters. These developments must be addressed, potentially in phases and distinct components, many of which can be mainstreamed into health care programmes. Genetic screening and counselling should also be included in the programme; a high number of chromosome pathologies are being registered among the exposed population and risks continue among their offspring. Complementary education programmes should be designed for paediatric wards and maternity hospitals.

Anaemia prevention programme – $750,000 (**)/2 years

26. Anaemia is central among somatic diseases that are of particular relevance to the health and well-being of women and children. Linked to deprivation, poor feeding and unavailability of appropriate care, anaemia supports a vicious cycle of illness and is a significant contributor to child morbidity and mortality. This situation is made worse by the absence of any promotion of breast feeding. This is particularly unfortunate, considering that breast feeding would do much to contain dramatically high rates of neonatal mortality, as well as contributing to overall child health.

Treatment of neurotic disorders (stress somatoforms) – $50,000 (*)/2 years

Treatment of behavioural and emotional disorders among children in the rural Semipalatinsk test site territory – $50,000 (*)

Psychiatric and psychological capacity-building and training – $120,000 (***)

Establishment of a psychological support network in the rural Semipalatinsk test site territory – $60,000 (***)

Psychological protection of vulnerable urban groups – $20,000 (*)

27. There is strong evidence that a serious psychosocial effect has resulted from the testing, associated with a lack of understanding of the radiological conditions of the test site and the surrounding area. This is particularly the case in a medical culture that generally emphasizes psychiatric

interventions rather than health promotion and psychosocial care.

28. Psychosocial health issues present a unique challenge in the Semipalatinsk region. Mental health care is curative in approach, with an emphasis on mental illness and behavioural abnormalities. Little attention is paid to prophylaxis aspects and propaganda of mental health issues. As a result, prevailing strategies applied to psychosocial issues fail to address problems in their entirety. In addition, there are serious shortcomings in the region regarding the understanding of the significance of mental health management plans, and staff training is inadequate.

29. Institutions of higher education in Semipalatinsk have demonstrated serious interest in upgrading their knowledge of mental health issues and the extension of such knowledge into rural areas through community-based interventions. This interest should be pursued. In addition, psychological support, knowledge and training should be offered to nurses, rural physicians and health care providers in villages in the vicinity of the test site. Targeted psychosocial support should also be offered to those vulnerable groups identified as requiring humanitarian assistance. These groups can be reached by targeting particular institutions (orphanages and institutions for the mentally handicapped, for example). Finally, the region's existing emergency management plans and training should reflect awareness of stress management issues.

C. Oncology: early diagnosis and treatment

Early detection and treatment of oncological diseases, with emphasis on breast cancer – $6 million (***)/5 years

30. Delayed cases of breast cancer still affect a significant number of women who were under the age of 20 when exposed to the radiation. Early detection and screening programmes should be updated and implemented. Efforts to improve the facilities for individuals identified through such programmes must also be improved. Appropriate medication for diagnostic and support treatment and follow-up must also be developed. Only screening programmes answering to basic prerequisites, such as effectiveness, existence of the treatment, acceptability for the population, as well as costs should be considered. This activity can be implemented in phases and by component but is a high priority overall.

III. Economic recovery and renewed opportunities

A. Building local leadership

Semipalatinsk economic development partnership – $600,000(**)/3 years

31. It is necessary to promote locally rooted, market-oriented economic development based on partnership between local authorities and the business sector. The aim of the partnership initiative will be to develop and implement on a pilot basis an economic development strategy through a series of business development initiatives with local enterprises. The process of privatization moved ahead relatively quickly in the Semipalatinsk region after 1994, with the result that ownership is already fairly diversified. There is an active association of small businesses in the city which is developing business support as well as representational functions. These developments will facilitate implementation of the proposed partnership.

Semipalatinsk business centre – $600,000 (**)/2 years

32. Collaboration between the administration and the business sector should be enforced because of the strengthening of economic development by means of a number of projects to be implemented by the enterprises. At the same time the existing resources must be increased through the creation of a business centre. The business centre would be operated in conjunction with city authorities, enterprises, the university and other locally based organizations. The exact compass of these initiatives will need to be discussed in detail with the relevant authorities.

Establishment of an economic development agency covering the area immediately adjacent to the Semipalatinsk test site (Kurchatov) – $600,000 (**)/3 years

33. An economic development agency based in Kurchatov would be in a position to address the needs of more remote population centres that suffered the most direct effects of the closure of the test site. Promoting new and sustainable business enterprises in Kurchatov will also help to bring about balanced development in the region as a whole by helping to slow the flow of destitute people from rural to urban areas, which is seriously aggravating the economic situation in the test site territory.

B. Skills and resources: private sector support

Finance for micro, small and medium-sized businesses – $1,400,000 (***)/5 years[c]

Agricultural credit – $1,200,000 (***)/5 years

Agricultural information system – $300,000 (**)/2.5 years

Farmer-to-farmer exchanges – $250,000 (*)/2.5 years

Business support and skills training – $800,000 (***)/5 years

34. Business development in the Semipalatinsk region is seriously handicapped by the lack of appropriate financial services. In the absence of a fully competitive banking sector, lenders demand high interest rates and security which is often not available to small business or agricultural producers. Business growth requires ready access to credit. In the case of agricultural producers, provision of credit is required to support the introduction of better farming techniques and to increase the scale and efficiency of agricultural production, eventually arresting current land degradation patterns.

35. Credit for agricultural producers should also be provided to allow them to purchase inputs necessary to undertake agricultural activities. Dissemination of information on new agricultural technologies, management ideas, markets, fairs, prices and health issues will also enliven possibilities for activities. By funding farmers to travel to other countries in the Commonwealth of Independent States, knowledge and expertise can be exchanged.

36. Business training, particularly of young people, is a prerequisite for sustainable business development and should be undertaken in conjunction with other efforts to build local leadership through the economic development agency/partnership centres. Training that targets young people from low-income households should be undertaken in existing educational and training establishments. Grants should also be provided for the purchase of equipment and materials.

[c] $400,000 would be reserved for microcredit schemes for very small established and start-up businesses. This would complement the existing microcredit scheme already under way in Semipalatinsk (UNDP microcredit programme for poor women). $1 million would be reserved for loans to small and medium-sized businesses in the areas covered by the two framework initiatives.

C. Focused projects to attract the international business community

Support to town and city twinning – $60,000 (*)/18 months

Assessment of the development potential of Semipalatinsk airport – $200,000 (*)/1 year

Energy saving project – $600,000 (*)/3 years

37. Although the nuclear issue has generated extensive contacts in fields of nuclear safety and medicine, international business interest in Kazakhstan has largely ignored the communities adjacent to the test site. Without the attraction of oil or gas, positive efforts are needed to explore new markets, to overcome the negative associations of the Semipalatinsk test site territory and to promote the area to the international business community in a positive light, as well as bring in revenue.

38. Establishing twinning relationships between cities and towns in the territory and in market economy countries is a proven way of reducing international isolation. An assessment should also be made of the economic potential of developing the Semipalatinsk airport.

39. The Soviet price system and the role of the military meant that little attention was paid to energy efficiency in the past. As a result many enterprises are burdened by unnecessarily high energy bills. There is also a severe lack of expertise in energy-saving technology and design. A local capacity for energy audit is required. A project for saving energy would develop a local audit and would carry out a series of pilot energy-saving initiatives.

IV. Humanitarian assistance

A. Distribution of humanitarian supplies

Urgent humanitarian distribution of food and non-food and medical supplies – $500,000 (***)/1 year

Support for vulnerable families with school-age children – $400,000 (***)/1 year

40. Targeting 10 or 12 major residential care-giving institutions in Semipalatinsk territories with distributions of relief supplies should meet the immediate basic needs of their nearly 3,000 residents and alleviate some of the financial and other resource constraints those organizations face. Implementation should be as simple as possible, limited to procurement, distribution and monitoring. Basic

specialized equipment should also be made available to residents, including, for example, wheelchairs, crutches and hearing aids. In addition, any opportunities for indirect benefits, such as support for the region's markets through local purchase of food items, should also be pursued.

41. Children form a unique sub-group among the most vulnerable. Normalizing their lives to the extent possible should be a high priority. Ensuring that they are equipped to attend school is a powerful method of doing so. On the basis of the limited available information, it is estimated that there are 15,000 households in the Semipalatinsk test site territory whose children require school supplies (copybooks, pencils, pens, crayons) and winter clothing in order to be able to attend school. Additional support to relevant schools would allow for a single hot meal per child per school day in the affected area.

B. Support for existing institutions and civic action

Revenue-generating activities at state institutions – $650,000 (**)/2 years

Multi-purpose facilities for rehabilitation and medical services for vulnerable groups – $450,000 (*)/2 years

Extension of small grants to local non-governmental and community-based organizations – $500,000 (***)/2 years

Local non-governmental organization resource and training centre in Semipalatinsk – $800,000 (*)/2 years

42. Two complementary actions should be carried out immediately, on the understanding that they are to be pursued over the medium term. The Government of Kazakhstan should be encouraged in the strongest possible terms to adjust its social service reforms so that the basic needs of vulnerable groups in the Semipalatinsk territories are met. This should probably include ensuring that entitlements, allocations and disbursements reflect the reality of the day. In addition, local governments and those individual institutions that have lost some Government support should be put in a position to generate the revenue required to meet the needs of their constituencies as well as to cover shortfalls resulting from budget cuts.

43. In addition to directly distributing relief contributions, existing Government institutions should be assisted so as to increase their self-reliance and sustainability in the new budgetary climate. Support must be given to their efforts in the areas of income generation (for example, cultivation of institution lands, production from institution bakeries) and equipment rehabilitation (through, for example, in-house repair). Creation of a multi-purpose sanatorium which could function as a temporary shelter for those in need from the whole affected area is also proposed.

44. These actions will be fortified immeasurably by strengthening local non-governmental and community-based organizations. A healthy non-governmental presence will create a concentration of skills and dedication and the ability to attract additional resources while multiplying the impact of those that already exist. Such organizations will be able to work with the Government in monitoring, preventing and responding to the needs of the vulnerable in the Semipalatinsk region. Non-governmental organizations were found to have a greater potential for conducting more outreach and advocacy than other financially constrained governmental institutions.

45. Developing the capacity of existing non-governmental and community-based organizations will create a sustainable capacity within non-governmental groups to serve those affected by the history of the Polygon, through improved advocacy, more effective service provision and better needs identification. The outreach services of the organizations will also improve. Organizational development of this type should include training in organizational management, programme development, project and financial management, fund raising and advocacy and lobbying skills at the local, regional, central and international levels. Training initiatives of this sort should be accomplished by information dissemination initiatives, complemented by the establishment of small grants for non-governmental and community-based organizations that meet criteria related to serving the affected populations in the Semipalatinsk region, with a particular emphasis on social service and environmental issues.

V. Cross-sectoral information for risk reduction, promoting access to services and civil society participation

Project on information, education and communication (cross-cutting all four sectoral thematic groups) – $1,050,000 (***)/3 years

Strengthening community capacity for information dissemination – $250,000 (*)/2 years

46. The culture of secrecy which surrounded the Semipalatinsk test site territory will not be easily overcome. Even now, lack of information affects the everyday life of the affected population. Dissemination of validated information on the consequences of nuclear tests and the possible risk for the population of the Semipalatinsk region is crucial for initiating most activity in the region. In all four thematic areas – ecology, economy, agriculture, humanitarian aid public awareness of the current situation should be enhanced. Existing local institutions (non-governmental organizations, research institutions and Government bodies as appropriate) should strengthen their current capacities to function as the collectors and disseminators of new information gathered from improved monitoring of risks.

47. Citizens of the affected territories, especially schoolchildren, should be better informed for example about the risks associated with the radioactive contamination of water, soil or facilities, and the commonly available safe practices. Women should be better informed about methods of detecting early signs of breast cancer. Affected populations need to know where to go for services, information, or to exchange know-how.

48. There should be better community involvement and education to ensure that information is properly disseminated and discussed and that the realities that comprise the overall threats are transparently examined and fully understood. Thus, a community consultation process should be established, allowing community members to articulate their actual problems and advocate for desired changes.

49. Information on areas of relative safety should be publicized to ensure an encouraging investment climate. Thus, rehabilitated areas, as opposed to high-risk contaminated areas, should be clearly indicated. Accurate information on monitoring of radioactive materials must be accessible to the public.